

LEGAL NOTICE NO.... OF 2019

THE SECTIONAL TITLES ACT, 2003

(Act No.6 of 2003)

THE SECTIONAL TITLES REGULATIONS, 2019

(Under section 55)

In exercise of the powers conferred by section 55 of The Sectional Titles Act, 2003, the Minister for Housing and Urban Development makes the following Regulations –

Citation and commencement

1. (1) These Regulations may be cited as The Sectional Titles Regulations, 2019.

(2) These Regulations shall come into force on a date to be determined by the Minister in the Gazette.

Application

2. These Regulations shall apply to the division of buildings into sections and common property and the acquisition of separate and joint ownership in sections and in common property.

Definitions

3. In these Regulations, unless the context otherwise requires:-

"Act" means the Sectional Titles Act no. 6 of 2003.

“board” means the Sectional Titles Regulation Board;

“body corporate”, in relation to a building and the land on which such buildings is situated, means the body corporate of that building referred to in section 37(1) of the Act;

“building” means a structure of a permanent nature erected or to be erected and which is shown on a sectional plan as part of a scheme;

“common property”, in relation to a scheme, means —

(a) the land included in the scheme;

- (b) such parts of the building or buildings as are not included in a section; and
- (c) land referred to in section 27 of the Act;

“conveyancer” means a conveyancer as defined in section 2 of the Deeds Registry Act;

“court” means the High Court of Eswatini;

“Deeds Registry Act” means the Deeds Registry Act, No. 37 of 1968 or its successor, and any Regulations made under it;

“developer” means a person who is the registered owner of land, situated within the area of jurisdiction of a local authority, on which is situated or to be erected a building or buildings which he has divided or proposes to divide into two or more sections in terms of a scheme, or the holder of the right referred to in section 26 of the Act to extend a scheme, or the person’s successor in title, and includes —

- (a) for the purposes of sections 10 and 11, the agent of any such person or successor-in-title, or any other person acting on behalf of any of them; and
- (b) for the purposes of rebuilding any building that is deemed to have been destroyed, as contemplated in section 49 of the Act, the body corporate concerned;

“draft sectional plan” means a sectional plan prepared in accordance with the provisions of section 6 of the Act, but not yet approved by the Surveyor-General; and “draft sectional plan of subdivision”, “draft sectional plan of consolidation” and “draft sectional plan of extension” have a corresponding meaning;

“exclusive use area” means a part or parts of the common property for the exclusive use by the owner or owners of one or more sections, as contemplated in section 28 of the Act;

“land” means the land comprised in a scheme as shown on a sectional plan;

“land surveyor” means a person registered as a professional land surveyor in the register prescribed in section 4 of the Land Survey Act;

“Land Survey Act” means the Land Survey Act, No. 46 of 1961;

“Local Authority” means any institution or body constituted as such in respect of any urban area in Eswatini or as designated in terms of section 56 of the Act;

“majority resolution” means, subject to subsection (3) of this section, a resolution —

- (a) passed by two-thirds of the members of a body corporate who are present or by proxy or by a representative recognized by law at a general meeting of the body corporate of which at least 30 days' written notice, specifying the proposed majority resolution, has been given, and at which meeting at least 80% of all the members of a body corporate (reckoned in number) and at least 80% of all the members (reckoned in value) are present or so represented and provided that in circumstances determined in the rules, a meeting of the body corporate may be convened for a date 30 days or less after notice; or
- (b) agreed to in writing by all the members of the body corporate personally or by proxy or by a representative of any such member recognised by law;

“Minister” means the Minister responsible for Housing and Urban Development;

“notary public” means a notary public as defined in the Deeds Registry Act;

“owner”, in relation to a unit, or section, or an undivided share in the common property forming part of a unit, means —

- (a) the person (including the Government of Eswatini) in whose name the unit is registered in a deeds registry or in whom the ownership of the unit is vested by virtue of any law;
 - (b) the person (including the Government of Eswatini) by whom the unit is held under a lease for a period of ninety-nine years or longer or for the life of the scheme, and such lease is registered in a deeds registry; or
 - (c) the trustee in an insolvent estate, the liquidator of a company which is an owner and the legal representative of an owner who has died or who is a minor or is of unsound mind or is otherwise under disability, provided such trustee, liquidator or legal representative is acting within the authority conferred upon such person by law; and
- “owned” and “ownership” have a corresponding meaning;

“participation quota”, in relation to a section or the owner of a section, means the percentage determined in accordance with the provisions of section 33(1) or 33(2) of the Act in respect of that section for the purposes referred to in section 33(3), and shown on a sectional plan in accordance with the provisions of section 6 (3) (g);

“quota”, in relation to a section or the owner of a section, means the participation quota of that section;

“Registrar” means the Registrar of Deeds as defined in the Deeds Registry Act;

“Regulations” means these regulations;

“rules”, in relation to a building or buildings which has or have been divided into a section or sections and common property, means the management rules and conduct rules referred to in annexure 5 and 6 herein for the control, management, administration, use and enjoyment of the sections and common property;

“scheme” means a development scheme;

“section” means a section shown as such on a sectional plan;

“sectional plan”, in relation to a scheme, means a plan approved by the Surveyor General

- (a) which is described as a sectional plan;
- (b) which shows the building or buildings and the land comprised in the scheme, as divided into two or more sections and common property; and
- (c) which complies with the requirements of section 6 of the Act, and includes a plan of subdivision, consolidation or extension as provided in Act;

“sectional title deed” means a certificate of registered sectional title or a deed of transfer;

“special resolution” means, a resolution passed by a majority of not less than three-fourths of the votes (reckoned in value) and not less than three-fourths of the votes (reckoned in number) of members of a body corporate who are present or represented by proxy or by a representative recognised by law at a general meeting of which at least 30 days’ written notice, specifying the proposed resolution, has been given, or a resolution agreed to in writing by at least 75% of all the members of a body corporate (reckoned in number) and at least 75% of all such members (reckoned in value) personally or by proxy or by a representative of any such member recognised by law and, provided that in circumstances determined in the rules, a meeting of the body corporate may be convened for a date 30 days or less after notice of the proposed resolution has been given to all the members of the body corporate;

“Surveyor General” means the Surveyor General appointed in terms of section 3 of the Land Survey Act, No. 46 of 1961;

"taxing master" means

- (a) in relation to the fees and charges of conveyancers, notaries public and other professionals for the work contemplated in section 55 (h) of the Act, the Registrar of Deeds or the Deputy Registrar of Deeds, in the case where Registrar is absent; and
- (b) in relation to the fees to be paid to architects, and land surveyors for any sectional plan or other plan, the Surveyor-General or the Surveyor-General, in the case where Surveyor-General is absent;

“undivided share in common property”, in relation to an owner, means an undivided share of that owner in common property as determined in accordance with the quota of the section of which that person is the owner and, in relation to a section, means an undivided share in common property apportioned to that section in accordance with the quota of the section;

“unit” means a section together with its undivided share in a common property apportioned to that section in accordance with the quota of the section; and

“valuer” means a person registered as a valuer in Eswatini under the law relating to the registration of property valuers and practising as such.

Application for approval of a development scheme

4. (1) An application referred to in section 5 (1) of the Act, shall be made in the form of Form A in Annexure 5, and shall be lodged in duplicate with the Board.
- (2) The application shall be accompanied by
 - (a) 5 paper copies of a draft sectional plan as may be required by the Board;
 - (b) a copy of the approved building plans or, if any deviation, alteration or amendment of such plans was approved, a composite plan, if required by the Board, comprising the approved building plans and the approved deviation, alteration or amendment plans or if such deviation, alteration or amendment or amendment plans are unavailable, a drawing of any variation or alteration with respect to the dimensions of that building.
 - (c) where no approved building plans are available, a drawing of the building or buildings, which drawing shall reflect to scale the site layout, the layout of every floor, at least one cross section of the building or buildings, and at least two elevations of each building; and any such plan or plans or drawing shall indicate the boundaries of each proposed section in a distinctive manner.
 - (d) a beacon certificate signed by a registered land surveyor, reporting on any encroachments if any and the extent of those encroachments.
 - (e) an affidavit by the developer as set out in Form AA, BB or the Affidavit in Annexure 5, whichever may be applicable, stating whether the provisions of section 5 (3) of the Act apply to the Scheme or not, and, if that section is applicable, whether the provisions of that subsection have been complied with, and that no contravention of section 10 of the Act has taken place;
 - (f) in a case where the provisions of section 5 (3) of the Act apply to the relevant scheme, a specimen of the notice and certificate referred to in subparagraph (i) and (ii), respectively, of section 5 (3) (a) of the Act;

- (g) where the application is signed by a person authorized to sign on behalf of the developer, a written authority by the developer in which the person referred to is authorized to sign the application on behalf of the developer;
- (h) a copy of the title deed of the land to which the application relates.
- (i) written correspondence from the municipality confirming that the property is located within an urban area and is in compliance with town planning regulations.

(3) Where the Board has granted the application for the approval of a scheme, the Board shall notify the applicant in writing of its decision and return to the applicant two paper copies of the draft sectional plan, each sheet thereof bearing an approval stamp, together with the certificate referred to in section 8 (2) of the Act and, in any other case, the Board shall notify the applicant of its decision in writing within 10 days.

(4) The Board shall, together with its notification of its decision, furnish reasons for any refusal of an application and shall, on written application by an applicant, in writing within thirty days of receipt of such application furnish such applicant its reasons for any other decision on an application in terms of section 5 (1) of the Act or for the imposition of any condition in terms of section 5 (11) of the Act.

Certificate In Respect of Leased Buildings

5. The certificate contemplated in section 5 (3) (a) (ii) of the Act shall contain the following particulars:

- (a) The name of the scheme;
- (b) the description and extent of the land upon which the building or buildings comprising the proposed scheme are situated, as reflected in the title deed of such land;
- (c) the full name and address of the developer;
- (d) the number of the title deed in respect of the land concerned;
- (e) the number and description of every separate category of units in the buildings comprised in the scheme;
- (f) the number of garages and the number of parking places which are provided in the scheme;
- (g) any facilities available as common property under the scheme;
- (h) a copy of a report by an architect or a professional engineer in respect of the common property relating to the general physical condition of the building or buildings comprised in the scheme, with specific reference to any defects in the buildings and the services and facilities relating thereto;

- (i) a specified estimate by the developer or the developer's agent of the annual expenditure in respect of-
 - (i) the repair, upkeep, control, management and administration of the common property;
 - (ii) the payment of rates and taxes and other local authority charges in respect of the buildings and land concerned;
 - (iii) the charges for the supply of electricity, gas, water, fuel and sanitary and other services to the building or buildings and land concerned;
 - (iv) insurance premiums; and
 - (v) all other costs in respect of the common property which are normally recovered from the owners of units as contemplated in section 38 (1) (a) of the Act.

Draft Sectional Plans

- 6. (1) A draft sectional plan intended to be approved by a Surveyor-General and registered in the Deeds Registry shall comply with the following requirements:
 - (a) It shall be prepared on a drawing medium of durable and good quality approved by the Surveyor-General, of any of the following sizes: 297 x 210mm; 297 x 420mm or 297 x 841mm and in black ink of a good quality.
(any departure from these requirements shall require the prior approval of the Surveyor-General.)
 - (b) Only one side of the sheet shall be used.
 - (c) The binding margin shall be along the 297mm side and sheets larger than 297 x 210mm shall be folded to that size with the folds clear of the binding margin. (sheets required by the Surveyor-General shall be not be folded.)
 - (d) Margins 40mm wide along the 297mm binding side of the sheets and 10mm wide along the other sides, shall be provided and such margins, subject to the provisions of paragraph (h), shall be left free of any writing or drawing.
 - (e) All linear measurements recorded on such plan shall be in metres to two decimal places.
 - (f) If angles or directions are required to be shown on such a plan they shall be expressed to 10 seconds.
 - (g) Any drawing on such plan shall be plotted to a standard scale provided that;
 - (i) the size of the figure shall be sufficiently large to show all the required details;
 - (ii) if necessary block plans, floor plans and cross sections of a building may be shown on more than one sheet.

- (h) Any addition, alteration or interlineation on a draft sectional plan shall be initialed by the preparer thereof and for this purpose the margin on the right hand side of the sheet opposite such addition, alteration or interlineation shall be used.
- (i) The Surveyor-General may refuse to approve a draft sectional plan should he be of the opinion that such plan is dilapidated or has been prepared in a careless manner or that the appearance thereof is spoilt by additions, alterations or interlineations or that the writing or any drawing thereon does not, owing to faintness or other reasons, ensure durability.
- (j) The developer shall furnish the architect or land surveyor with all documents and particulars required by him to prepare the draft sectional plan.
- (k) (i) If the scheme comprises more than one building the buildings on the draft sectional plan shall consecutively numbered commencing with the figure "1".
- (ii) All sections in a scheme shall be numbered consecutively on the draft sectional plan commencing with figure "1".
- (iii) The number allocated to a section on the draft sectional plan shall be allocated to all parts of that section.
- (iv) The numbers allocated to sections on a draft sectional plan of subdivision, consolidation and extension shall continue from the last number used for the scheme.
- (if a section is extended it shall retain the same number.)
- (v) An exclusive use area shall be uniquely numbered.
- (l) If boundaries of a section or of a part thereof cannot be defined by reference to its floor, walls and ceiling, such boundaries shall be defined in a manner acceptable to the Surveyor-General.
- (m) The common boundary between the exclusive use area created in terms of section 28 (1) or 28 (2) of the Act and a section or common property is, in the case of physical features, the median line of the dividing floor, wall, ceiling, fence or other similar feature, unless boundaries have been described in a different manner on the sectional plan; otherwise a boundary which is not a physical feature, shall be described in a manner acceptable to the Surveyor-General or in terms of beacons determined in accordance with the provisions of the Land Survey Act, which beacons shall be described, and sufficient data given on such plan to define the area and to determine the location thereof in relation to the building, section or boundaries of the land.
- (n) Each sheet shall contain the following:
- (i) the title of the sheet;
- (ii) the sheet number and, in addition thereto, an indication of the number of sheets of which the draft sectional plans shall consist, as follows: "Sheet No. of sheets";

- (iii) the name and address of the architect or land surveyor concerned or, if practising with a firm of architects or land surveyors, the name and address of the firm, all in block letters, the signature of the architect or land surveyor, and professional designation;
- (iv) the date on which the architect or land surveyor signed the sheet;
- (v) a space which shall be provided for the approval certificate of the Surveyor-General;
- (vi) such notes as the architect or land surveyor may wish to make.

(2) A draft sectional plan shall consist of the following sheets which, subject to the provisions of the Act, and sub-regulation (3) shall contain the particulars prescribed by these Regulations.

(if such a plan is intended for the purposes of a subdivision, consolidation or extension of a section or sections, or for the extension of a scheme or common property, or in the circumstances referred to in section 28 (2) of the Act, or for the amendment of a scheme due to the destruction or damage to a building or buildings, or for the amendment of a sectional plan in terms of section 15 (1) of the Act, it need only comprise such sheets as are affected by such amendments, and the heading of such plan shall be styled as an amending sectional plan)

(a) A first sheet which shall be substantially in the form of Form Y in Annexure 5 and which shall contain, in addition to the particulars mentioned in sub regulation (1) (n), the following:

- (i) The name of the scheme;
- (ii) the description of the land as reflected on the relevant approved general plan or approved diagram;
- (iii) the number of the relevant approved general plan or of the approved diagram of the land;
- (iv) the number of a section or part of a section that is found in every building. If a building consists only of common property, it shall be described as such;
- (v) the nature of any encroachment on the land to which the scheme relates;
- (vi) a certificate signed by the architect or land surveyor that the draft sectional plan has been prepared from actual measurements taken personally or under the architect or land surveyor's direction.

(where the responsibility for the preparation of the draft sectional plan is carried by more than one person, each of such architects or land surveyors shall affix a certificate to this sheet, and such certificate shall disclose to what extent he accepts responsibility for the preparation of the draft sectional plan).

(vii) a caveat, if a developer should reserve himself the right under section 26 of the Act to erect a further building or buildings to horizontally or vertically extend an existing building; spaces for:

- (viii) the name of the local authority;
 - (ix) the reference number of the approval of the Board and of the local authority concerned (if applicable);
 - (x) The sheet number on which every exclusive use area is found; and
 - (xi) Space for:
 - (aa) the signature and reference number/s of the Registrar of Deeds;
 - (bb) the signature and reference number/s of the Surveyor General.
- (b) a sheet or sheets on which a block plan is prepared, which shall, in addition to complying with the provisions of section 6 (3) (a) of the Act and sub regulation (1) (n), contain or indicate the following:
- (i) a description of contiguous land, and the names of contiguous streets, if any;
 - (ii)
 - (aa) the position at ground level of the external surfaces of the walls of all buildings shown by a solid line, together with the horizontal distances between each rectilinear cadastral boundary and the buildings nearest to such boundary.
(where such external surfaces of any walls are interrupted at ground level by features such as archways, doorways or similar openings, such external surfaces shall likewise be shown by a solid line)
 - (bb) the greatest extent to which the external surfaces, excluding roof overhangs, unless any such overhang encroaches over the cadastral boundary, protrude beyond the external surfaces of the building at ground level shown by distinctive broken lines, together with the horizontal distance between each rectilinear cadastral boundary and the nearest protrusion to such boundary.
(if a basement area determined by the internal surfaces of the walls projects beyond the external surface of the building at ground level, such projection shall likewise be shown separately by a distinctive broken line)
(a brief description shall be given of all parts of the building indicated by a distinctive broken line.)
 - (iii) any encroachment on the land to which the scheme relates;
 - (iv) any servitude burdening the land reflected on the relevant approved diagram or general plan;
 - (v) a sign indicating the true north direction;
 - (vi) an exclusive use area as referred to in sub regulation (1) (m) which shall be delineated by means of distinctive broken lines and shall express the area to the nearest square metre.
(if details cannot clearly be shown on the sheet such details may be shown, in an inset or on an additional sheet as contemplated in paragraph (e))

(c) a sheet or sheets on which the diagrammatic floor plan in respect of each storey in the building or buildings referred to in section 6 (3) (c) and (d) of the Act are shown and which shall contain, in addition to the particulars mentioned in sub-regulation (1) (n), the following:

- (i) The boundaries of the sections shown in a solid line;
- (ii) the common property areas by means of distinctive broken lines;
- (iii) an indication of the position of the diagrammatic cross sections required in terms of these regulations;
- (iv) the number of each section or part of such section;
- (v) a sign indicating the true north direction;
- (vi) such other information as may be necessary to define each section;
- (vii) an exclusive use area as referred to in sub-regulation (1) (m), which shall be delineated by means of distinctive broken lines and shall express the area to the nearest square metre

(if details cannot clearly be shown on the sheet, such details may be shown in an inset or on an additional sheet as contemplated in paragraph (e)).

(d) a sheet or sheets containing in numerical sequence:

- (i) the floor areas of the sections as referred to in section 6 (3) (e) of the Act; and
- (ii) the participation quotas in respect of the sections in the Annexure as referred to in section 6 (3) (g) of the Act.

(the participation quotas of the separate sections shall be made up in such a way that the total participation quota is equal to 100).

(e) a sheet or sheets containing the insets referred to in paragraphs (b) (vi) and (c)(vii).

(3) A draft sectional plan shall, when uncertainty or ambiguity about the boundaries of a section, as defined in the Act, may exist, contain an additional sheet or sheets that contain diagrammatic cross-sections of the building or buildings of every floor in the building or buildings, detailed sufficiently to indicate the boundaries of every section, and that contain, in addition to the particulars mentioned in these regulations, the following:

- (a) the number of the building and a name or number of every floor;
- (b) such other information as may be necessary to define every section.

Submission of Draft Sectional Plans to Surveyor-General

7. (1) The submissions of a draft sectional plan to the Surveyor-General in terms of section 8 of the Act for the Surveyor General's approval shall be substantially in the form of Form X in Annexure 5 and shall be accompanied by one paper copy and two copies on

durable drawing material of the draft sectional plan concerned and a suitable electronic copy.

(2) In addition to the requirements of section 8 (2) of the Act, the submission shall also be accompanied by the other documents and plans listed in Form X in Annexure 5.

(3) The field book or field plan contain the original of all measurements made in the field, the name of the person who made the measurements and the date on which the measurements were taken.

(4) The calculations shall include the following:

(a) The calculations of the dimensions of the sections to the median lines from the field measurements;

(b) sufficient calculations to indicate how the area of each section or exclusive use area was determined and how checked;

(c) the calculations of the participation quota of each section;

(d) a list of co-ordinates of at least two corners or identified permanent features of each building:

(the distances between such corners or features shall be adequate to provide an accurate determination of the position of each building, further that the co-ordinates may be listed on the copy of the block plan)

(e) a copy of the block plan on which the corners or identified permanent features are indicated and described;

(f) the calculations relevant to the fixing and checking of the buildings to the boundaries of the land and exclusive use areas in relation to the building, section or boundaries of the land.

(5) The median dimension plan shall indicate the boundaries and the final dimensions of each section as derived from the field measurements and the consistency adjustments.

Field Measurements

8. (1) Measurements by a land surveyor or architect for the preparation of a draft sectional plan shall be made in the field to two decimal places of a metre and recorded, at the time of the measurement in the field, in the field book or on the field plan.

(2) Sufficient measurements shall be made to enable all median dimensions to be calculated and checked, so as to be consistent with the dimensions of the building as a whole, and the sections and other details on the draft sectional plan are to be correctly depicted.

(3) The provisions of the Land Survey Act, and the regulations made thereunder, shall apply to the manner in which and the accuracy to which the survey of buildings and exclusive use areas of which the boundaries are not represented by physical features of a permanent nature, shall be performed and to the manner and the form in which the records of such surveys shall be prepared and lodged with the Surveyor-General.

Accuracy and Correctness of a Draft Plan or Sectional Plan

9. (1) The Surveyor-General may at any time check in the field the accuracy or correctness of a draft sectional plan, sectional plan or any measurement recorded by a land surveyor or architect.

(2) If the Surveyor-General finds a draft sectional plan, sectional plan, or measurement to be incorrect, he may take such action as he may deem fit in terms of this Act and the Land Survey Act.

Rate of Interest in Terms of Section 10 (5) (b)(i)

10. The interest rate for purposes of section 10 (5) (b) (i) of the Act, shall be the prime interest rate percent per annum, and may by notice in the Gazette, be altered by the Minister.

Application for Opening of Sectional Title Register

11. (1) An application for the opening of a sectional title register in terms of section 12(1) of the Act, shall be in the form of Form B in Annexure 5.

(2) The application referred to in sub-regulation (1) shall also be accompanied by the title deed to any registered real right, if the land is subject to such a right, excluding rights to minerals, which title deed shall be suitably endorsed to indicate that the land described therein is subject to a development scheme and is registered in the sectional title register; and

(where a certificate has been submitted by a conveyancer to the effect that the title deed to such real right is not available, the Registrar shall endorse the Registry in duplicate of such title deed, and, if the original title deed is at any time lodged with the Registrar for any purpose, he shall make a similar endorsement thereon).

- (3) The schedule contemplated in section 12 (3) (b) of the Act shall, in addition to the particulars prescribed in the section, contain the following:
- (i) the name of the scheme;
 - (ii) the full name and address of the developer;
 - (iii) the number of the title deed of the land concerned;
 - (iv) in the event of land defined on an approved diagram, the number of the title deed with which the diagram is filed.
 - (v) an approval certificate from the board.

Certificates of Registered Sectional Title

12. (1) A certificate of registered sectional title referred to in section 12 (3) (f) of the Act, shall be in the form of Form C in Annexure 5, shall be signed and dated by the Registrar and shall be sealed with the Registrar's seal of office.
- (2) Certificates of registered sectional title shall be on paper of durable and good quality of the size known as A4 standard paper and shall be written, typed or printed in size not less than 2mm, with black ink of a good quality only and/or such electronic method as prescribed by the registrar of deeds.
- (3) A certificate of registered sectional title which does not comply with the requirements of sub-regulation (2) shall be rejected by the Registrar.
- (4) (a) Subject to the provisions of paragraph (b) a certificate of registered sectional title shall be lodged in duplicate with the Registrar.
(b) Where a procedure is followed in a Deeds Registry of reproducing deeds and documents and of keeping such reproduction instead of such deed or document, it shall, notwithstanding anything to the contrary in these Regulations, not be necessary to lodge a duplicate original of such deed or document for filing in the Deeds Registry, and upon registration such deed or document shall be deemed to be the copy filed in the Deeds Registry until such time as the reproduction of the deed or document is filed in lieu thereof:
- (5) The provisions of this regulation shall apply mutatis mutandis with reference to any certificate of registered sectional title deed issued under any other provision of the Act.

Registration of Sectional Schemes

13. (1) The distinctive number allotted to a sectional plan in terms of section 13 (1) (a) of the Act, shall be a consecutive number, starting each year with the figure "1", and shall be followed by an oblique line and year in which the sectional plan is registered.
- (2) The Registrar may refuse to register a sectional plan should he be of the opinion that such plan is dilapidated.

Sectional Title Registers

14. (1) The sectional title register as contemplated in section 13 (1) (b) of the Act, shall be opened by means of a sectional title file as set out in Form D in Annexure 5.
- (2) The file number allotted to the sectional title file, shall be the same as the number allotted to the sectional scheme.
- (3) In the sectional title file shall be filed-
- (a) the documents referred to in section 12 (3) of the Act, with the exception of the certificates of registered sectional title, the owner's copy of the title deed of the land and the bond;
 - (b) the copy of any notice to the Surveyor-General and the local authority of the registration or cancellation of the registration of a sectional plan or of the reversion of land to the land register;
 - (c) correspondence relating to the scheme concerned as a whole;
- (4) Where a procedure is followed in a deeds registry of reproducing documents and of keeping such reproduction instead of such document and of maintaining a register as referred to in section 13(1)(c), the sectional title file referred to in sub regulation (3) may be substituted by such reproductions and register.
(the sectional title file shall be maintained for certain documents should the Registrar of Deeds so determine).

Certificates of real rights

15. (1) The certificate of real right referred to in section 13(1) (e) of the Act, shall be in the form of Form E in Annexure 5.
- (2) The certificate of real right referred to in section 26(6) of the Act, shall be in the form of Form P in Annexure 5, and shall be accompanied by the written consent of all the members of the body corporate and of every holder of a bond over a unit in the scheme.

- (3) The certificate of real right referred to in section 13(1) (f) of the Act, shall be in the form of Form F in Annexure 5.

Alteration, amendment, substitution or cancellation of registered sectional plan

16. (1) An architect, land surveyor or developer who, or a body corporate which, is required by the Surveyor-General under section 15 of the Act to alter or amend or to cause to be altered or amended any registered sectional plan or to substitute another sectional plan for a registered sectional plan found to be incorrect, as the case may be shall, if required by the Surveyor-General, obtain a certificate from the Board to the effect that the alteration or amendment is not in conflict with the approval referred to in section 7(2) of the Act.
- (2) The provisions of regulation 4 shall apply mutatis mutandis to a draft sectional plan which is to be substituted for a registered sectional plan.
- (3) The developer shall forward a copy of a sectional plan which is substituted for a registered sectional plan to the local authority concerned and the Board.
- (4) Whenever the registrar amends the relative sectional title deed as required by section 15(5) of the Act, he shall endorse thereon that the amendment has been effected in accordance with an alteration, amendment or substitution of the registered sectional plan.
- (5) Whenever the registration of a sectional plan is cancelled on the application of the developer in terms of section 15(6) of the Act, the registrar shall make the necessary endorsement on-
- (a) each of the relevant sectional title deeds;
 - (b) the titles to any real rights, with the exclusion of mineral rights; and
 - (c) on the schedule referred to in section 12(3)(b).
- (6) (a) Whenever the registration of the sectional plan is cancelled, the registrar shall make alterations, amendments, endorsements and entries in the relevant land register and records which are necessary to effect the reversion of the land to the land register.
- (b) Any entry referred to in paragraph (a) shall contain a reference to the number of the relevant sectional plan.
- (7) Whenever the registration of a sectional plan is cancelled, the registrar shall, if a certificate or registered title referred to in section 15(7) of the Act is not issued by the

Registrar, revive the developer's title deed of the land referred to in section 12(3)(c) of the Act by making an appropriate endorsement on the title deed under the Registrar's signature and date.

Registration of transfer of ownership and registration of other rights in respect of parts of buildings

17. (1) (a) The Registrar shall issue a certificate in the form of Form T in Annexure 5 instantaneously with the establishment of a body corporate in terms of Section 37 (1) of the Act.
 - (b) (i) A draft certificate in the form prescribed in paragraph (a) shall be prepared by a conveyancer and lodged in duplicate with the registrar.
 - (ii) The original certificate shall be filed in the sectional title file and the duplicate thereof shall be delivered to the conveyancer.
 - (c) Once a certificate has been issued in terms of paragraph (a), no further certificate shall be issued in respect of the building concerned, but if required the registrar may issue a certified copy of the original certificate.
- (2) The deed of transfer referred to in section 16 (6) (a) of the Act, shall be in the form of Form G in Annexure 5.
- (3) Where consent to which reference is made in regulation 30(2) is required, it shall be lodged with the deed of transfer.
- (4) An application referred to in section 16(10) of the Act, shall be in the form of Form H in Annexure 5.
- (5) A certificate of registered sectional title referred to in section 16(10) of the Act, shall be in the form of Form I in Annexure 5.

Preparation of registration documents

18. (1) (a) Every deed of transfer, certificate of title, certificate of registration or sectional mortgage bond shall be prepared by a conveyancer or other person empowered by any act who shall make and sign a certificate in the upper right hand corner on the first page of the document concerned.
 - (b) A conveyancer or other person empowered by any Act, who prepares a deed of transfer, certificate or sectional mortgage bond referred to in sub regulation (1), shall initial all alterations or interlineations in such deed of transfer, certificate or sectional mortgage bond and also every page thereof not

requiring a signature and no such deed of transfer, certificate or sectional mortgage bond shall be accepted for execution or registration if it does not bear such certificate and is not so initialed.

(in the case of such deed of transfer, certificate or sectional mortgage bond where an alteration or interlineation is not so initialed, and in the opinion of the registrar , such initialing by the conveyancer who prepared such deed of transfer, certificate or sectional mortgage bond is not required, such alteration or interlineation may be initialed by the conveyancer executing such deed of transfer).

(2) Subject to the provisions of sub regulation (3) and (4) a power of attorney, application or consent required for the performance of an act of registration in a deeds registry, and tendered for registration or filing of record in a deeds registry, shall be prepared by a practicing attorney, notary, conveyancer, who shall make and sign a certificate in the undermentioned form in the upper right hand corner on the first page of the document concerned:

“Prepared by me

.....
ATTORNEY/NOTARY/CONVEYANCER

(Use whichever is applicable)

.....
(State surname and initials in block letters)”.

(a) Subject to the provisions of sub regulation (3), any alteration or interlineation in a document referred to sub regulation (1) shall be initialed by the person who prepared such document.

(b) A registrar may waive compliance with the provisions of sub regulations (1) and (2) in respect of a power of attorney, application or consent executed outside the Kingdom or in respect of a power of attorney, application or consent not provided for by the Act or the Regulations.

c) The provisions of sub regulation (1) shall not prevent an attorney, notary or conveyancer in the employ of the State from preparing any of the documents mentioned in such sub regulation (1), in the course of such person’s employment.

(d) When a certificate referred to in sub regulation(1) is signed by an attorney or notary, the fact that the signatory is a practicing attorney or notary shall be confirmed by a practicing conveyancer, who shall countersign the certificate by making and signing the following certificate thereon:

Countersigned by me

CONVEYANCER

(State surname and initials in block letters.)”.

(3) The person preparing and signing the documents referred to in regulations 16 (1) and 16 (2) accepts, responsibility for the correctness of the undermentioned facts stated in the Deeds or documents concerned or which are relevant in connection with the registration or filing thereof, namely:

(a) That all copies of the deeds or documents intended for execution or registration are identical at the date of lodgment.

(b) That, in the case of a deed of transfer, certificate of title or certificate of registration, all the applicable conditions of title have been correctly brought forward in that deed of transfer, certificate of title or certificate of registration.

(c) That, in the case of a document referred to in regulation 16(2) signed by a person in his capacity as executor, trustee, tutor, curator, liquidator or judicial manager, such person has in fact been appointed in that capacity, is acting in accordance with the powers granted to him and that any surety required, has been furnished to the master of the High Court.

(d) That , to the best of his knowledge and belief and after due enquiry has been made-

(i) the names, identity number or date of birth and marital status of any natural person being a party to a deed or documents and in the case of any other person or a trust, its name and registered number, if any, of such person or trust are correctly reflected in that deed or document.

(ii) in the case where woman married out of community of property, or a woman whose marriage is governed by the law of any other country, has not been assisted by her husband in the signing of any deed or document, the marital power has been excluded or abolished.

(iii) in the case of a document referred to in regulation 16(3)(a)

(e) the necessary authority has been obtained for the signing of such documents in a representative capacity on behalf of a company, church, association, society or other body of persons or an institution,

(i) the transaction as disclosed therein is authorized by and in accordance with the constitution, regulation, or founding statement, as the case may be, of any church, association, society or other body of persons,

or any institution other than a company, or the trust instrument of a trust being a party to such document.

(f) That, in the case where the person signs the preparation certificate on a deed of transfer, certificate of title, certificate of registration or a sectional mortgage bond, he accepts responsibility that the particulars in the deed referred to in paragraph(d)(i), have been bought forward correctly from the special power of attorney or application relating thereto.

Dealings with common property

19. (1) Simultaneously with the registration of a transfer referred to in section 18(3) (a) or 20(3) of the Act, the registrar shall make an endorsement under his signature on the schedule of conditions referred to in section 12(3)(b) of the Act.

(2) Any sectional title deed registered pursuant to section 18(3) or 20(3) of the act shall simultaneously be re-registered as a deed of transfer under the Deeds Registries Act, 1968 (Act No.37 of 1968).

(3) The registrar shall register a cession of a servitude or other real right in terms of Section 20 (3) of the Act by virtue of a deed of cession in the form of Form L in Annexure 5.

Application for subdivision of a section

20. (1) An application for subdivision referred to in section 21(1) of the Act, shall be in the form of Form L in Annexure 5, and shall be lodged in duplicate with the Board.

(2) The provisions of regulation 2 and 4 shall apply mutatis mutandis to a draft sectional plan of subdivision and an application referred to in sub-regulation (1).

Registration of subdivision of a section

21. (1) (a) Application for registration of a sectional plan of subdivision shall be in the form of Form M in Annexure 5.

(b)When registering such a sectional title referred to in section 23(3) of the Act, the registrar shall allot a distinctive number thereto.

(2) A certificate of registered sectional title referred to in section 23(5) of the Act, shall be in the form of Form N in Annexure 5.

(3) Whenever the registrar has issued a sectional title deed under section 23(5) of the Act in lieu of the sectional title deed referred to in section 23(2)(b) of the Act, he shall cancel the last-mentioned sectional title deed.

(4) The registrar shall furnish the local authority concerned and the board with a copy of the registered sectional plan of subdivision.

Application for consolidation of sections

22. (1) An application for consolidation referred to in section 21(1) of the Act, shall be in the form of Form L in Annexure 5, and shall be lodged in duplicate with the local board and the local authority concerned.

(2) The provisions of regulations 2 and 4 shall apply mutatis mutandis to a draft sectional plan of consolidation and an application referred to in sub regulation(1).

Registration of consolidation of sections

23. (1) (a) Application for registration of a sectional plan of consolidation shall be in the form of Form M in Annexure 5.

(b) When registering such a sectional plan under section 24(3) of the Act, the registrar shall allot a distinctive number thereto.

(2) The certificate of registered sectional title referred to in section 24(5) of the Act, shall be in the form of Form O in Annexure 5.

(3) Whenever the registrar has issued a sectional title deed under section 24(5) of the Act in lieu of the sectional title deeds referred to in section 24(2)(b) of the Act, he shall cancel the last mentioned sectional title deeds.

(3) The registrar shall furnish the board and the local authority concerned with a copy of the registered sectional plan of consolidation.

Application for Extension of Sections

24. (1) An application referred to in section 25 (1) of the Act, shall be in the form of Form L in Annexure 5 and shall be lodged in duplicate with the Board.

(2) The provisions of regulations 2 and 4 shall mutatis mutandis apply to a draft sectional plan of extension and an application referred to in sub regulation (1).

Registration of Extensions of Sections

25. (1) (a) Application for registration of a sectional plan of extension of a section shall be in the form of Form M in Annexure 5.
(b) When registering such a sectional plan under section 25 (7) of the Act, the Registrar shall allot a distinctive number thereto.
- (2) The Registrar shall furnish the Board and the local authority concerned with a copy of the registered sectional plan of extension.

Application for Extension of a Scheme

26. (1) An application referred to in section 26 (7) of the Act shall be in the form set out in Form Q in Annexure 5, and shall be lodged in duplicate with the Board.
- (2) The provision of regulations 2 and 4 shall apply mutatis mutandis to a draft sectional plan of extension and an application referred to in sub regulation (1).

Registration of Extension of a Scheme

27. (1) (a) The application for registration of a sectional plan of extension of a scheme shall be in the form of Form M in Annexure 5.
(b) When registering such a sectional plan under section 26 (11) of the Act, the Registrar shall allot a distinctive number thereto.
- (2) The certificate of registered sectional title referred to in section 26 (10) (d) of the Act, shall be in the form of Form C in Annexure 5.
- (3) The Registrar shall furnish the Board and the local authority concerned with a copy of the registered sectional plan of extension.

Application for Extension of the Common Property

28. (1) An application referred to in section 27 (3) of the Act, shall be in the form set out in Form S in Annexure 1 and shall be lodged in duplicate with the Board.
- (2) The provisions of regulations 2 and 4 shall apply mutatis mutandis to a draft sectional plan of extension and an application referred to in sub regulation (1).

Registration of Plan of Extension of the Common Property

29. (1) (a) an application for registration of a sectional plan of extension of the common property shall be in the form of Form M in Annexure 5.
(b) When registering such a sectional plan under section 27 (5) of the Act, the Registrar shall allot a distinctive number thereto.
- (2) The Registrar shall furnish the Board and the local authority concerned with copies of the registered sectional plan of extension.

Exclusive Use Areas

30. (1) The exclusive use areas referred to in section 6 (3) (f) of the Act shall, where there is more than one area, be numbered and described in separate paragraphs in the certificate of real rights referred to in section 13 (1) (f) of the Act.
- (2) The Registrar shall make an endorsement under the Registrar's signature on the schedule of conditions referred to in section 12 (3) (b) of the Act instantaneously with the transfer of a right to an exclusive use area, referred to in Section 28 (3) of the Act, and shall notify the Surveyor-General accordingly.
- (3) The provisions of sub regulation (1) shall apply *mutatis mutandis* to a transfer, cancellation or mortgage of any exclusive use area.

Rules

31. (1) Subject to sub regulation (2) and (3), the management rules as contemplated in section 36 (2) (a) of the Act, shall be those rules as set out in Annexure 5, for which, except in the case of rules 1 to 6, inclusive, rules 10 to 13, inclusive, rule 15 (3) and (4), rules 16 to 26, inclusive, rules 28 to 45, inclusive, rule 46 (1), rules 47 to 56, inclusive, rule 57 (1), and rules 59 to 70, inclusive, other rules may be substituted, added to, amended or withdrawn by the developer when submitting an application for the opening of a sectional title register.
- (2) If the schedule referred to in section 12 (3) (b) of the Act contains a condition restricting transfer of a unit without the consent of an association whose constitution stipulates that:
- (a) all members of the body corporate of the development scheme of which the unit forms part, shall be members of that association; and
- (b) the functions and powers of the body corporate shall be assigned to that association.

(c) the developer may, when submitting an application for the opening of a sectional title register, substitute any management rule contained in Annexure 3.

(3) If at the commencement of the Act the members of a body corporate are all the members of an association whose constitution binds its members to assign the functions and powers of the body corporate to that association, the management rules contained in Annexure 3 shall not apply.

(4) The management rules set out in Annexure 3 may be added to, amended or repealed by unanimous resolution of the body corporate.
(no such addition, amendment or repeal shall be made until such time as there are owners, other than the developer, of at least 50 percent of the units in the scheme).

(5) The conduct rules as contemplated in section 36 (2) (b) of the Act shall be those rules set out in Annexure 4.

(6) The notification referred to in section 36 (5) of the Act shall be in the form set out in Form S in Annexure 5.

(7) The body corporate shall notify the Registrar of any addition to, amendment or repeal of conduct rules as contemplated in section 36 (2) (b) of the Act in the form set out in Form S of Annexure 5.

Destruction of or Damage to Building and Transfer of Interest

32. (1) Whenever a building or buildings are damaged or deemed to be destroyed as contemplated in section 49 and a scheme has been authorised as provided for in section 49 (3) (a) of the Act, the body corporate shall notify the Registrar. The notification shall be in the form of Form U in Annexure 5.

(2) The notification to the Registrar pursuant to sub-regulation (1) shall be accompanied by a schedule in terms of section 6 (3) (g) of the Act which shall exclude reference to any section which has been destroyed, and the affected title of the owner of the unit or holder of any real rights together with the consent of the holder of any mortgage bond or holder of any real rights for disposal thereof.

(3) The Registrar shall give effect to the requirements as contemplated by section 49(3) (a) (ii) of the Act, by making an appropriate endorsement on the relevant deeds.

(4) The Registrar shall advise the Surveyor-General and the Board of any registration pursuant to section 49 of the Act, which advice shall be accompanied by a copy of the schedule referred to in sub regulation (2), in the case of the Board, and by the original, in the case of the Surveyor-General.

(5) On receipt of the notification pursuant to sub regulation (4), the Surveyor-General shall make the required amendments and endorsements on the sectional plan and the Deeds Registry copy thereof.

Notification of Destruction of Building

33. The notification referred to in section 50 (1) of the Act, shall be in the form of Form V in Annexure 5.

Sectional Mortgage Bonds

34. A sectional mortgage bond hypothecating a unit held under a sectional title deed or an exclusive use area or the right to extend a scheme held under a certificate of real right, shall be substantially in the form of Form W in Annexure 5, and shall be prepared by a conveyancer and be signed by the mortgagor, or the mortgagor's duly authorised agent, in the presence of a conveyancer, and the said form shall be suitably adapted when hypothecating land held under a sectional title deed or a registered notarial lease or sublease or other registered real right.

Fees of Office, search fees and duties

35. (1) The fees of office and search fees to be charged in respect of any act, matter, or thing required, or permitted, to be done in or in relation to a deeds registry shall be those as specified in the schedule of fees of office, published in terms of the Regulation in the Deeds Registry Act, 1968.

(2) The acts, matters or things required or permitted to be done in relation to the office of the Surveyor General in respect of which fees of office are to be charged, and the amount of such fees, as shall be specified in B of Annexure 1 to these Regulations.

(3) Stamp duty in respect of certificates of sectional title and sectional mortgage and notarial bonds shall be charged at 75 percent of the rate allowable under the Deeds Registry Act.

4) For avoidance of doubt, sectional titles transactions shall not attract transfer duty.

Endorsement or Entries on Registered Deeds or other Documents or in Registers

36. Endorsements or entries required by these Regulations to be made on registered deeds or other documents or in registers shall be made on or in by means of rubber stamp or handwriting or typewriting and/or electronic endorsements, and shall be signed and dated by the Registrar who shall below the Registrar's signature state the office held by the Registrar, and initial any alteration or interlineation to an endorsement or entry.

Conveyancers' Files

37. (1) Every conveyancer shall keep in the file referred to in section 16 (11) of the Act, the respective documents set out in Annexure 2 to these Regulations in respect of the following transactions:

- (a) transfer of ownership in terms of section 16 (6) (a) of the Act;
- (b) transfer of ownership in terms of sections 18 (3), 20 (3) and 35 (4) of the Act;
- (c) sectional mortgage bonds referred to in section 16 (6) (c) of the Act in respect of which he has signed the bond as preparer.

(2) The conveyancer who has prepared the documents contemplated in sub regulation (1) shall retain the file in which such documents as are prescribed relating to the transaction in question, for a period of at least six years after the date of registration of such document.

(3) Every conveyancer shall take such reasonable precautions for the safe custody of such file as may be necessary.

Fees Payable to the Board

38. (1) The fees payable to the Board in connection with the exercise of the performance of its powers, functions and duties in terms of the Act, shall be as specified in A of Annexure 1 to these Regulations.

(2) The fees referred to in sub regulation (1) shall be paid when an application referred to in section 5, 21, 25, 26 or 27 (3) of the Act, as the case may be, is lodged with the Board.

Certified Copies

39. A certified copy of an approved sectional plan shall only be issued by the Surveyor-General and shall not be issued prior to the registration of the sectional plan, unless the written

consent of the architect and the land surveyor concerned, or any person legally entitled to act on their behalf, is provided to the Surveyor-General.

(such consent shall not be required if the Surveyor-General has been supplied with evidence that such architect or land surveyor has unreasonably withheld consent or has failed to respond in a reasonable time to notice requesting authorization for the issue of a certified copy).

Examination in Connection with the Preparation of Draft Sectional Plans

40. (1) The syllabus for the examination that has to be set for a land surveyor or architect, who has been required by the Board to sit for an examination in connection with the preparation of a draft sectional plan in terms of section 6 (2) of the Act, shall consist of:
 - (a) comprehensive knowledge of all matters covered by the Act and the Regulations;
 - (b) knowledge of all matters relating to the registration or cancellation of real rights in land in respect of grants, transfers, leases, subdivisions, consolidations, servitudes, bonds, mineral and surface rights, national building regulations and town planning schemes; and
 - (c) comprehensive knowledge of all matters relating to the duties, responsibilities and professional conduct of land surveyors and architects.
- (2) There is hereby established a committee to be known as the Sectional Titles Examination Committee which shall consist of the following members appointed by the Minister, namely:
 - (a) a person having special knowledge of sectional title development schemes; who shall be Chairperson of the Committee;
 - (b) a member nominated by the professional body for land surveyors and architects in Eswatini;
 - (c) the Surveyor General;
 - (d) the Registrar of Deeds.
- (3) All the meetings of the Sectional Titles Examination Committee shall be held at such time and place as the Chairman of the Committee may determine.
- 4) Two members of the Sectional Titles Examination Committee shall form a quorum for any meeting thereof.
- (5) The Sectional Titles Examination Committee may determine the procedure at its meetings.

(6) A resolution of the Sectional Titles Examination Committee contained in writing and signed by at least two of the members of the committee shall be valid although no meeting was held to pass the resolution.

(7) The functions of the Sectional Titles Examination Committee in respect of the examinations shall be to:

- (a) appoint an examiner and moderator;
- (b) make arrangements with the professional body for Land Surveyors in Eswatini, and the professional body for Architects in Eswatini regarding qualifications, date, time, place, fees and other matters incidental to conducting such examination; and
- (c) determine pass mark and duration of paper.

(8) The examiner and the moderator appointed in terms of sub-regulation (7) (a) shall make the examination results available to the Board, and the names of the land surveyors and architects who were successful in the examination shall be placed on a register, to be maintained by the Board, comprising the names of those persons entitled to undertake sectional title work.

(in the event of the examiner and the moderator disagreeing with regard to the examination questions or the marking of the papers, the final decision shall rest with the Surveyor General).

PRINCE SIMELANE
MINISTER FOR HOUSING AND URBAN DEVELOPMENT

ANNEXURE 1: FEES

A. FEES PAYABLE TO THE BOARD

The fees payable to the Board for the consideration of the matters indicated below shall be as follows:

(a) A scheme in terms of section 5 of the Act:

No. of Units	Fee
2	E300.00
and in addition thereto E	per unit;
3 - 10	E600.00
and in addition thereto E	per unit;
11 - 25	E1500.00
and in addition thereto E	per unit;
26 - 39 (and more)	E3000.00
and in addition thereto E	per unit;

(b) an application for the subdivision of a section in terms of section 21: E120.00, and in addition thereto E100.00 for each of the first 49 new sections in which a section is subdivided, and E200.00 for each new section over 49 into which a section is subdivided;

(c) an application for consolidation of sections in terms of section 21: E120.00, and in addition thereto E100.00 for each of the sections consolidated;

(d) an application for the extension of a section in terms of section 25: E140.00, for each section extended;

(e) an application for the extension of a scheme in terms of section 26 (7):

No. of Units	Fee
2	E300.00
and in addition thereto E	per unit;
3 - 10	E600.00
and in addition thereto E	per unit;
11 - 25	E1500.00
and in addition thereto E	per unit;
26 - 39 (and more)	E3000.00
and in addition thereto E	E150.00 per unit;

(f) an application for the extension of a scheme by the addition of land to the common property as contemplated in section 27 (3): E1000.00

B. SURVEYOR-GENERAL'S FEES OF OFFICE

EXAMINATION OF SECTIONAL PLANS

1. For examination and approval of a draft sectional plan (including a draft sectional plan of exclusive use areas), including such additional copies thereof as may be prescribed by law or regulation: E500, plus, per each unit or exclusive use area shown on such plan: E50

AMENDMENTS

2. For each amendment to a sectional plan in terms of any law: E250 subject to the following;

- (a) where more than one amendment is included in the same authority to amend, the second and subsequent amendments shall be charged at a rate of E100 per amendment;
- (b) if, in the opinion of a Surveyor-General, the work involved is of a complicated nature, the charge shall be on a time basis at a rate of E100 per each hour, or portion thereof;
- (c) for the purpose of this paragraph a sectional plan includes the number of copies of such document necessary for registration, provided they are amended at the same time.

CERTIFIED COPIES OF SECTIONAL PLANS

3. Notwithstanding that the Surveyor General has the authority to utilise any method to copy a sectional plan, for supplying a certified copy of a sectional plan, the charge for each sheet shall be in accordance with the charges as laid down by the Surveyor-General.

GENERAL

4. For all other services not specified in this Annexure, the charges as laid down by the Surveyor-General for drawing consents to substitution under the Deeds Registry Act, 1968, including instructions, all attendances on mortgages and new debtor, correspondence and miscellaneous attendances, including registration but excluding attendances on the Office of the Master of the High Court: 50 per cent of the fees for bonds, specified in Schedule A to this Tariff.

5. Where any document referred to in any paragraph of this Section is required to be signed by more than one mortgagee, mortgagor, usufructuary, lessee or holder of other limited

interest, an additional fee of E50 shall be chargeable in respect of each such additional person after the first.

6. Where it is necessary to attend to the Office of the Master of the High Court in connection with any matter referred to in paragraph 1 (a) or 2, the following additional fees shall be allowed:
 - (a) For obtaining any Masters' Certificate per estate for any number of certificates which are or can be applied for simultaneously, a fee of: E250 ; and
 - (b) for obtaining copies of all necessary documents which are or can be included in one application, per estate: E250

C. SECTIONAL TITLE LAND SURVEYOR AND ARCHITECTS TARIFF

Introduction and application

1.1 This is a guideline tariff of fees for work for Land Surveyors and Architects in respect of work carried out in terms of the Sectional Titles Act (No. of 2003).

In the absence of an agreement specifying fees, the determination of fees should be either 0.15% of the market value of the units comprising the scheme (phase) being submitted for approval, or as per section 2 of this recommended tariff, whichever is the greater.

1.2 Work not specified in this tariff may be charged at the guideline time charge rates given in section 2.9.2.

Tariff

2.1 Sheet Number 1. The following charges can be levied:-

2.1.1 *A basic charge of E4 450*

2.1.2 *An amount of:*

- ✱ E200 per building being described; plus
- ✱ E200 for a caveat, if applicable; plus
- ✱ E200 for each reference to previous phases, if applicable.

2.2 Sheet Number 2 (Block Plan), excluding the determination of cadastral boundaries. The following charges can be levied:-

2.2.1 A basic charge of E4 450

2.2.2 An amount of:

- ✿ E310 per building depicted there; plus
- ✿ E11-15 per square metre of the total area of the depicted common property buildings; plus
- ✿ E12-75 per square metre for all sections *not exceeding 250 square metres* of floor area as depicted on the participation quota schedule; plus
- ✿ E3 185 plus E6-30 for each square metre *exceeding 250 square metres* of floor area as depicted on the participation quota schedule; plus
- ✿ An amount of *E4 450* if exclusive use areas on the ground are depicted on this sheet

2.3 Floor Plans. The following charges can be levied:-

2.3.1 *A basic charge of E14 155 plus E200* for every section over 50

2.3.2 *An amount of :*

- ✿ E38-10 per square metre for all sections not exceeding 250 square metres of floor area as depicted on the participation quota schedule; plus
- ✿ E9 530 plus E14 for each square metre exceeding 250 square metres of floor area as depicted on the participation quota schedule.

2.4 Participation Quota Schedule. The following charges can be levied:-

2.4.1 *A basic charge of E4 450.*

2.4.2 *An amount of :*

- ✿ E16 per section depicted thereon

2.5 Exclusive use plans. The following charges can be levied:-

2.5.1 *A basic charge of E4 450 per exclusive use area sheet for exclusive use areas where the boundaries thereof are determined by buildings or physical features.*

2.5.2 *Plus an amount of :*

- ✿ E40-60 per square metre of the total area of the depicted exclusive use areas.

2.6 Exclusive use areas where the boundaries thereof are not determined by buildings nor physical features. The following charges can be levied:-

2.6.1 *A basic charge of E4 450 per exclusive use area sheet.*

2.6.2 *Plus an amount of :*

- ✿ E80 per square metre of the total area of the depicted exclusive use areas.
- ✿ For the determination of exclusive use areas which are greater than 200 square metres, exclusive use areas should be treated as land parcels in accordance with the Land Survey Act for the determination of fees.

2.7 Cross-sections. The following charges can be levied:-

2.7.1 *A basic charge of E2 795 per building where cross-sections are considered necessary building.*

2.7.2 *An amount of:*

- ✿ E218 per floor shown on such cross-section; plus
- ✿ E37 per section depicted thereon

2.8 Certification in terms of Section 7(2) of the Act. The following charge can be levied:-

2.8.1 *A minimum charge of E15, 930.*

2.9 Any matter relating to the preparation of a draft sectional plan not provided for in this tariff (for example, preparation of Section 27A exclusive use area plan and schedule), should be charged for at the following hourly rates:-

- ✿ E2 730 per hour for a principal or partner;
- ✿ E2 060 per hour for qualified staff
- ✿ E1 200 per hour for other staff.

2.10 Abnormal circumstances. The following charges can be levied:-

2.10.1 *The fees recommended above may be increased or decreased depending on ease or difficulties of access; regular/irregular buildings; curvilinear walls, obstructions etc.*

2.11 Direct expenses. The following charges can be levied:-

2.11.1 *Direct expenses incurred such as plan printing costs, material and dispatching costs shall be recovered at cost plus 100%*

Note: The above guideline tariff of fees is exclusive of VAT and office fees

D. SECTIONAL TITLE CONVEYANCING TARIFF

1. General Notes

The fees set out in this tariff are in respect of and include inter alia the general conveyancing duties performed by a conveyance for procuring the due and proper execution and registration of the relevant deed or document, or the filing thereof or cancellation thereof, as the case may be, as well as the responsibility placed on him for the accuracy of the facts mentioned in deeds or documents or which are relevant in connection with the registration or filing thereof as contemplated in Section 16 of the Sectional Titles Act, No. 6 of 2003 (the Act), for ensuring that copies of any deeds and documents are identical as at the date of lodgement, that all applicable conditions, including endorsements and are correctly brought forward in any deed of transfer, that any person signing a document as principal or representative has been appointed and is acting in accordance within the powers granted to him and that any security required has been furnished to the Maser, that parties to the deeds are correctly reflected, that the necessary authority has been obtained for the signing of any document in a representative capacity, that the transaction in question is authorized by and in accordance with the constitution, regulations or founding statement or trust instrument of a trust, as the case may be, of any church, association, society, trust or other body of persons, or any institution (whether created by statute or otherwise) being a party to such document, where applicable, that the relevant particulars in the deed have been correctly brought forward from the power of attorney, and for this purpose shall include: the taking and giving of instructions, all correspondence, including the perusal of completed deeds of sale; the preparation and attendance on signature of all powers of attorney, declarations, affidavits, resolutions, status affidavits, company certificates, exchange control certificates and other necessary preliminary and ancillary documents the drawing and preparation of any document, including all copies thereof, required for execution or registration at a deeds registry and the obtaining of registration thereof, arranging simultaneous lodgement and registration with another conveyance or other conveyancers, where necessary; the giving of all references required by the deeds registry for examination purposes, and all attendances at the deeds registry, but shall not include the payment of transfer duty or VAT and of all rates levied by any lawful authority; the obtaining and making of all clearance or other certificates; the obtaining of endorsements or copies of documents from the Office of the Master of the High Court or other public office (except where otherwise provided); the perusal of memoranda and articles of association and trust deeds; the making of all necessary financial arrangements, including the guarantee on behalf of bondholders or the provision and checking of guarantees and attending payment in terms thereof.

1.1 any attendance in connection with the drawing and execution of deeds of sale, deeds of donation, partition agreements, amendments to the rules for bodies corporate, special developers' conditions, deeds of suretyship, acknowledgements of debt and documents of a similar nature ,
or

- 1.2 any separate act of registration of any documents which may be necessary before or in connection with the first-mentioned act of registration; or
- 1.3 any attendance in connection with the resolution of a dispute between the transferor and the transferee arising from a deed of sale or any of the other documents referred to in 1.1 above or from whatsoever cause; or
- 1.4 any attendances arising from negotiations between the parties resulting in a further agreement or addendum or amendment to an existing agreement.
- 1.5 any attendance or consultation, in addition to taking instructions, relating to the opening of a sectional title register in terms of s12 of the Act, or extensions of a scheme.
- 1.6 any attendance in connection with the preparation and obtaining of documents relating to collateral security required by a mortgagee.

2. *Definitions*

For the purpose of this tariff –

- a) a folio shall consist of 100 printed or written words or figures, or part thereof, and four figures shall be recorded as one word.

Section 1

1. Application for the opening of a sectional title register

For the preparing and drawing of an application for the opening of a sectional title register, perusing of sectional plan, drawing of certificates or registered sectional title, correspondence and attendances on all matters referred to in s 12 of the Act, but excluding the drawing of any consent of a bondholder, or searches in any deeds registry or other public office, or attendance upon fulfilling the requirements of s 5 of the Act or additional consultations required by the developer:

- (a) A basic recommended fee of E2 500; and
- (b) in respect of each section, a fee of : E250.

2. Application for the extension of schemes by addition of land to common property

For the preparing of the required documents as well as the necessary attendances referred to in ss 8 and 27 of the Act, but excluding the drawing of any consent of a bondholder, or searches in any deeds registry or other public office, or attendance upon fulfilling the requirements of s 5 of the Act; or additional consultations required by the developer:

- (a) A basic recommended fee of :E2 500; and
- (b) in respect of each section, a fee of: E250.

3. Application for the extension of schemes in terms of s 26 of the Act

For the preparing and drawing of an application for the opening of an extension of a sectional title register, perusing of sectional plan of extension, drawing of certificates of registered sectional title, correspondence and attendances on all matters referred to in s 26 of the Act, but

excluding the drawing of any consent of a bondholder, or searches in any deeds registry or other public office, or attendance upon fulfilling the requirements of s 5 of the Act: or additional consultations required by the developer:

- (a) A basic recommended fee of: E3 000; and
- (b) in respect of each section, a fee of: E250.

Section II

Transfer of ownership

1. For registration of ownership of a unit or land held under sectional title deed, the recommended fee be the amount set out in Column B of Schedule 1 to this guideline, in respect of the value of the property concerned as indicated in Column A of that Schedule (in the case of a conveyance in terms of the second proviso to s 15 and s 45 (bonds excluded) of the Deeds Registry Act 1968, the recommended fee may be 75% (seventy five percent) of the amount set out in Column B of the said Schedule).

2. Where more than one section is included in the same transaction, an additional recommended fee of E150 shall be chargeable for each additional section.

Note: Where transfer takes place as a result of expropriation in terms of an act, or if a person becomes entitled to deal with a unit or land as if he/she had taken formal transfer into his/her name by virtue of an endorsement contemplated in the Act, the fee shall be 75% (seventy five percent) of the amount set out in Column B of Schedule 1.

Section III

Partition transfers

For the 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:

1. Where the value can be determined, the recommended fee is set out in Column B of Schedule 1 of this guideline;
2. Where the value cannot be determined, a fee assessed according to the length and complexity thereof is recommended.

Section IV

For endorsement of title deeds or bonds in terms of the Deeds Registry Act, 1968 and the Administration of Estates Act, 1902, including the drawing all necessary documents, the

obtaining of all necessary ancillary documents, consents and certificates from the Master and Registrar, and all necessary attendances and correspondence in connection therewith, including the obtaining of registration, a recommended fee of: E1 500.

Section V

Subdivision, consolidation and extension of a section/s

For drawing and submitting an application for subdivision, consolidation or extension and preparing certificates of registered sectional title, together with supporting documents, for perusing a plan of subdivision, consolidation or of extension, for obtaining of the consent of any bondholder:

- (a) A basic fee of: E2 000; and
- (b) In respect of each subdivision, consolidation or extension, a recommended fee of: E200.

Section VI

Application for sectional title deed in respect of undivided share in unit

For preparing certificate of registered sectional title in respect of undivided share (including the application), for correspondence and for attendances on all matters referred to in S 16 (10) of the Act, a recommended fee of: E1 000.

Section VII

Reversion from sectional title register to land register

- 1. For attending to all matters referred to in section (4), (5) and (6) of s 18 of the Act:
 - (a) A basic fee of: E1 200; and
 - (b) in respect of each section, a recommended fee of: E150.

- 2. Disposal on destruction of buildings

For attending to all matters referred to in s 50 of the Act:

- (a) A basic fee of: E1 500; and
- (b) In respect of each section, a recommended fee of: E150.

Section VIII

Sectional mortgage bonds

- 1. For obtaining registration of any sectional mortgage bond or surety bond other than a bond referred to in paragraph 2 of this Section, including the drawing of all necessary documents and the obtaining of necessary ancillary documents, the fee be the amount set out in Column B of

Schedule 2 to this guideline in respect of an amount of the bond concerned as indicated in Column A of the Schedule.

2. The recommended fee, for any collateral bond passed as additional security for another bond between the same parties irrespective of where the collateral bond is being registered, be 75% (seventy five percent) of the recommended fee set out in Column B of Schedule 2 of these Guidelines.

3. If more than one unit is included in a bond referred to in paragraph 1 or 2 of this Section an additional fee of E150 may be chargeable for each additional unit.

Section IX

Cession, cancellation or modification of bonds

1. (a) for drawing consent to cancellation of bond, consent to cancellation of cession of bond, release of property or a person from a bond, consent to reduction of cover, consent to part payment of capital, framing waiver of preference in regard to the ranking of a bond, waiver of preference in respect of real rights in land, consent of a mortgagee, usufructuary, lessee or holder of any other limited interest required in terms of any provision of the Act or these Regulations and not otherwise provided for in this tariff (but not being notarial), and attendance, the signing of consents on behalf of the bondholder and all relevant attendances except attendances on the Office of the Master of the High Court, a recommended fee of E1 200.

(b) For attending to all matters referred to in subparagraph (a) of this paragraph in respect of any second or subsequent bond when any relevant document has been drawn by the same conveyance who drew the corresponding document or documents in connection with the first bond between the same parties over the same property and such documents are or can be lodged simultaneously as a set, a fee of: E150 per bond.

(c) If more than two units are included in any release contemplated in subparagraph (a) or (b) of this paragraph, it is recommended that a further fee of E150 be chargeable for each additional unit over and above the first two units.

2. For drawing cession of bond or an application for endorsement, including instructions and drawing consent of mortgagor and mortgagee, correspondence and all relevant attendances including registration, but excluding attendances on the Office of the Master of the High Court, a fee of E1 500.

3. For drawing agreement varying the terms of a bond, including instructions, attendance on mortgagor and mortgagee, correspondence and all relevant attendances including registration, there shall be a fee assessed according to the length and complexity of the agreement.

4. For drawing consents to substitution under s 56 of the Deeds Registries Act, 37 of 1968, in respect of all bonds relating to the same mortgagee, including instructions, all attendances on mortgagee and new debtor, correspondence and miscellaneous attendances, including registration but excluding attendances of the Office of the Master of the High Court: 50% (fifty percent) of the fees for bonds, specified in Schedule 2 to these guidelines.

5. Where any document referred to in any paragraph of this section is required to be signed by more than one mortgagor, usufructuary, lessee or holder of other limited interest, an additional fee of E150 may be chargeable in respect of each such additional person after the first.

6. Where it is necessary to attend on the Office of the Master of the High Court in connection with any matter referred to in paragraph 1 (a) or 2, the following additional fees be allowed:

(a) For obtaining any Master's Certificate per estate for any number of certificates which are or can be applied for simultaneously, a fee of E350; and

(b) For obtaining copies of all necessary documents which are or can be included in one application, per estate E150.

7. For drawing consents to substitution under of the Deeds Registry Act, 1968 including instructions, all attendances on mortgagee and new debtor, correspondence, and miscellaneous attendances including registration but excluding attendances on the Office of the Master of the High Court E1 500.

Section X

Notarial Deeds

1. For drawing and registering any notarial lease, sub-lease, bond, servitude or other notarial deed, the fee shall be assessed according to the length and complexity of the deed concerned.

2. For drawing and registering a notarial waiver of preference by mortgagee, usufructuary or other holder of a limited interest, or other notarial consent required in terms of any provision of the Act or these Regulations, a fee of E1 000.

Section XI

Certificates of real rights

1. S 13 (1) (e): in favour of developer to develop further in terms of s 26 (1) (See Regulation 13 (1) and Form E) E1 250.

2. S26 (6): in favour of body corporate to extend scheme (See regulation 13 (2) and Form Q) E1 250
3. S13 (1) (f) : in favour of developer, right of exclusive use in terms of s 28 (1) (See regulation 13 (3) and Form F): E800

Section XII

Cessions (notarial)

1. S 28 (1)(b): Unilateral cession of an exclusive use area by a developer to owner(s) to whom such rights are allocated: E1 000 where the cession is registered simultaneously with the transfer of the corresponding unit. Where no simultaneous transfer of a unit takes place, the recommended fee is E1 250.
Plus E150 for each additional area.
2. S 28 (3): Bilateral cession by body corporate as representative of owners of all sections: E1 250 where the cession is registered simultaneously with the transfer of the corresponding unit. Where no simultaneous transfer of a unit takes place: E1 500.
Plus E150 for each additional area.
3. S 28 (4): Bilateral cession of an exclusive use area:
Ad valorem as per Schedule 1 to these guidelines unless no consideration has been allocated to the exclusive use area, in which case: E1 500.
Plus E150 for each additional area.
4. S28 (5): Cancellation of right to exclusive use: Bilateral notarial deed between owner and body corporate: E1 500.
Plus E150 for each additional area.

Section XIII

Miscellaneous

1. For attendance on behalf of transferor or transferee, mortgagor or mortgagee or any other person, for supervising the registration of the transfer or bond or supervising the bond with documents prepared and lodged by another conveyance, including instructions, correspondence and attendances relevant to the supervision: E700.

2. (a) For the necessary attendances and searching and inspecting of a conveyancer's protocol or file or at deeds registry for information, including instructions, correspondence and all relevant attendances, per quarter hour or part thereof, a recommended fee of: E150. Reporting per folio, except in the case of research as provided for in subparagraph (b) of this paragraph, a fee of: E100.
 - (b) For attendance and searching at deeds registry or the office of the Surveyor General for research and searching for the necessary information in connection with the opening of the register and registration of the sectional plans, including correspondence and all relevant attendances, a recommended fee of: E600 per hour or part thereof prorata. Reporting per folio, a recommended fee of: E100.
3. For drawing of any certificates by a conveyance with regard to any servitude, other real right or condition, where not otherwise provided for in this guideline: E500.
4. For preparing and drawing certificate of establishment of any body-corporate under regulation 15 (1), lodging the same, including all correspondence and attendances in connection therewith, a fee of: E150.
5. For drawing a consent by any owner of a section or holder of any sectional mortgage bond in terms of ss25 (6) and 26 (10) of the Act, including all correspondence and attendances in connection therewith, including lodging, a fee or: E1 200.
6. For substituting, amending, amplifying or repealing either the management of conduct rules in terms of s 36 of the Sectional Titles Act, 1986, a fee assessed according to the extent and complexity thereof is chargeable.

In any case where a fee is not provided for in this tariff in respect of any matter, but a fee has been provided for in respect of the corresponding matter in the tariff of fees prescribed for Conventional Deeds (Act 6/1968), such fee shall ,with a 100% (one hundred per cent) surcharge, mutatis mutandis apply in respect of the matter in question.

SCHEDULE 1

COLUMN A Value of Property Or Amount of Bond	COLUMN B Fees for Conveyance of Immovable Property	COLUMN C Fees for Mortgage & Notarial Bonds
E80 000 or less	E2 500	E2 000
Over E80 000 up to & incl. E90 000...	E3 000	E2 300
Over E90 000 up to & incl. E100 000....	E3 200	E2 400
Over E100 000 up to & incl. E125 000...	E3 450	E2 500
Over E125 000 up to & incl. E150 000...	E3 550	E2 700
Over E150 000 up to & incl. E175 000...	E3 700	E2 900
Over E175 000 up to & incl. E200 000...	E4 000	E3 100
Over E200 000 up to & incl. E250 000...	E4 200	E3 300
Over E250 000 up to & incl. E300 000...	E4 600	E3 500
Over E300 000 up to & incl. E350 000...	E5 300	E3 700
Over E350 000 up to & incl. E400 000...	E5 700	E4 000
Over E400 000 up to & incl. E450 000...	E6 200	E5 200
Over E450 000 up to & incl. E500 000...	E6 700	*2
Over E500 000.....	*1	

*1 - E7 300 for the first E500 000, plus E600 per R100 000 or part thereof above that, thereafter up to and including E1 000 000 whereafter the fee shall be E450 per E100 000 or part thereof up to and including E5 000 000 whereafter the fee shall be E250 per E100 000.

*2 - E5 200 for the first E500 000, plus E500 per E100 000 or part thereof above that, thereafter up to and including E1 000 000 whereafter the fee shall be E300 per E100 000 or part thereof up to and including E5 000 000 whereafter the fee shall be E200 per E100 000.

ANNEXURE 2: DOCUMENTS IN CONVEYANCER'S FILES

* Documents to be kept in Conveyancer's Files in terms of Section 16 B(6)

A. *Transfer of ownership or alienation* (in terms of section 16B of the Act)

(1) The original or duplicate original of the conveyancer's certificate under section 16B (3) of the Act.

2) Where applicable, the power of attorney conferring authority to act in respect of the transaction.

3) The clearance or other certificate issued by the body corporate to the effect that all moneys due to the body corporate have been paid or that provision has been made to the satisfaction of the body corporate for the payment thereof.

(4) The conveyancer may keep any documents relating to the status, authority or capacity of the transferor or the transferee deemed necessary by him in file.

B. *Sectional Mortgage Bond*

(1) Power of attorney conferring authority on the conveyancer to act in respect of the transaction, unless such authority is contained in the bond.

2) All other documents, including powers of attorney, deemed necessary by the conveyancer and relating to the status, authority or capacity of the mortgagor or his agent or the mortgagee or the conveyancer.

ANNEXURE 3: MANAGEMENT RULES

[Section 36 (2) of the Sectional Titles Act, 2003]

Preliminary

1. The rules contained in the Annexure shall not be added to, amended or repealed except in accordance with section 36 (2) (a) of the Act, and subject to the provisions of section 36 (3) and (5) of the Act.

Interpretation

2. In the interpretation of these rules, unless the context otherwise indicates:
- (a) "Act" means the Sectional Titles Act, 2003, as amended from time to time, and any regulations made and in force thereunder;
 - (b) "auditor" means an auditor qualified to act as such under section 9 of the Accountants Act 1985;
 - (c) "registered mortgagee" means any mortgagee of whom the body corporate has been notified in writing as contemplated in section 45 (1) (f) of the Act;
 - (d) "trustee" includes an alternate trustee;
 - (e) words and expressions to which a meaning has been assigned in the Act, shall bear the meanings so assigned to them;
 - (f) words importing:
 - (i) the singular number only shall include the plural, and the converse shall also apply;
 - (ii) the masculine gender shall include the feminine and neuter genders;
 - (g) the headings to the respective rules are provided for inconvenience of reference only and are not to be taken into account in the interpretation of the rules.

Domicilium Citandi et Executandi

3. (1) The trustees shall from time to time determine the address constituting the domicilium citandi et executandi of the body corporate as required by section 38 (1) (m) of the Act, subject to the following:
- (a) Such address shall be situated in the magisterial district in which the scheme is situated and shall, where the body corporate does not have their own postal box, be the address of the chairperson or other resident trustee duly appointed in general

or in the magisterial district in which the offices of any duly appointed managing agent are situated being the address of such managing agent;

- (b) no change of such address shall be effective until written notification thereof has been received by the registrar;
- (c) the trustees shall give notice to all owners of any change of such address.

(2) The *domicilium citandi et executandi* of each owner shall be the address of the section registered in the owner's name, however, such owner shall be entitled from time to time to change the said domicilium but that any new domicilium selected shall be situate in the Kingdom of Eswatini and that the change shall only be effective on receipt of written notice thereof by the body corporate at its domicilium.

Trustees

- 4. (1) The number of trustees shall be determined by members of the body corporate in a general meeting, provide that there shall be not less than two trustees.
(2) With effect from the date of the establishment of the body corporate, all owners shall be trustees who shall hold office until the general meeting of the members of the body corporate as contemplated in the rule 50 (1) whereupon they shall retire but shall be eligible for re-election.
- (3) The chairperson of the trustees referred to in rule 4 (2) shall be the developer concerned or his nominee, who shall hold office until the general meeting referred to in the said rule, when he shall retire as a trustee and chairperson, but shall be eligible for re-election in terms of rule 18.

Qualifications

- 5. Save for the provisions of rule 4 (2), a trustee or alternative trustee shall not be required to be an owner or the nominee of an owner who is a juristic person, in order to qualify for office as a trustee subject to that:
 - (a) the majority of the trustees are owners, or spouses of owners; and
 - (b) the manager in that capacity, may not be a trustee.

Election of Trustees

- 6. Save for the provisions of rule 4 (2), the trustees shall be elected at the first general meeting and each subsequent annual general meeting and shall hold office until the next succeeding annual general meeting but shall be eligible for re-election.

Nominations

7. Nominations by owners for the election of trustees at any annual general meeting shall be given in writing, accompanied by the written consent of the person nominated, so as to be received at the *domicilium* of the body corporate not later than 48 hours before the meeting. (trustees are also capable of being elected by way of nominations with the consent of the nominee given at the meeting itself should insufficient written nominations be received to comply with rule 4 (1)).

Vacancy in Number of Trustees

8. The trustees may fill any vacancy in their number, subject to rule 14 of these rules. Any trustee so appointed shall hold office until the next annual general meeting when he shall retire and be eligible for re-election as though he had been elected at the previous annual general meeting.

Alternative Trustees

9. (1) The trustees may appoint another person, whether or not he be the owner of a unit, to act as an alternate trustee during the absence or inability to act of a trustee.

(2) An alternative trustee shall have the powers and be subject to the duties of a trustee.

(3) An alternative trustee shall cease to hold office if the trustee whom he replaced, ceases to be a trustee, or if the alternate's appointment is revoked by the trustees.

Remuneration

10. (1) Unless otherwise determined by a special resolution of the owners, trustees who are owners shall not be entitled to any remuneration in respect of their services as such, however, the body corporate shall reimburse to the trustees all disbursements and expenses actually and reasonably incurred by them in carrying out their duties and exercising their powers.

(2) The body corporate may remunerate trustees who are not owners at such rate as may be agreed upon between the body corporate and such trustees, shall further be entitled to have refunded to them any disbursements and expenses incurred by them in the circumstances envisaged in the proviso to sub-rule (1) of this rule, provided that an alternative trustee appointed by the trustees, who is not an owner, shall claim his

remuneration, if any, from the trustee whom he replaced and not from the body corporate, unless the body corporate has been instructed in writing by such trustee to pay any portion of his remuneration to such alternate trustee.

Validity of Acts of Trustees

11. Any act performed by the trustees shall, notwithstanding that it is after the performance of the act discovered that there was some defect in the appointment or continuance in office of any trustee had been duly appointed or had duly continued in office.

Indemnity

12. (1) (a) Subject to the provisions of sub-rule (2), every trustee, agent or other officer or servant of the body corporate shall be indemnified by the body corporate against all costs, losses, expenses and claims which he may incur or become liable to by reason of any act done by him in the discharge of his duties, unless such costs, losses, expenses or claims are caused by the male fide or grossly negligent act or omission of such person.

(b) It shall be the duty of the trustees to pay such indemnity cover out of the funds of the body corporate.

(2) The indemnity referred to in sub-rule (1) shall not apply in favour of any managing agent appointed in terms of rule 46.

DISQUALIFICATION OF TRUSTEES

Removal from Office

13. A trustee shall cease to hold office as such:

- (a) if by notice in writing to the body corporate, he resigns his office;
- (b) if he is or becomes of unsound mind;
- (c) if he surrenders his estate as insolvent, or if his estate is sequestrated;
- (d) if he is convicted of an offense which involves dishonesty;
- (e) if by resolution of a general meeting of the body corporate, he is removed from his office, provided that the intention to vote upon the removal from office has been in the notice convening the meeting;
- (f) if he is or becomes disqualified in terms of section 198 of the Companies Act No. 8 of 2009 from being appointed or acting as a director of a company.

Replacement

14. The body corporate may at a general meeting appoint another trustee in the place of any trustee who has ceased to hold office in terms of rule 13, for the unexpired part of the term of office of the trustee so replaced.

MEETINGS OF TRUSTEES

Quorum; Chairman; Voting, When To Be Held and Notice

15. (1) Subject to the provisions of sub-rule (2) and (3) hereof, the trustees may give notice convening meetings, meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit.
 - (2) A trustee may at any time convene a meeting of the trustees by giving to the other trustee and all first mortgages in the circumstances referred to in sub-rule (3) hereof, not less than seven day's written notice of a meeting proposed by him, which notice shall specify the reason for calling such a meeting, however, in cases of urgency such shorter notice as is reasonable to the circumstance may be given.
 - (3) Any mortgage holding first mortgage bonds over units shall, if he so requires of trustees in writing, be entitled to receive notice of not less than seven days before all meetings of the trustees.
 - (4) The nominee of any such mortgage shall be entitled to attend and speak at all meetings of the trustees but shall not, in his capacity as such, be entitled to vote thereat.

Quorum

16. (1) At a meeting of the trustees, 50 percent of the number of trustees but not less than two, shall form a quorum.
 - (2) If the number of trustees falls below the number necessary to form a quorum, the remaining trustees who shall not be less than two, may continue to act, but only for the purpose of appointing or co-opting additional trustees to make up a quorum or for the purpose of convening a general meeting of owners.
17. If at any meeting of trustees a quorum is not present within thirty minutes of the appointed time of the meeting, such meeting shall stand adjourned to the next business day at the same time, and the trustees then present, who shall not be less than two, shall form a quorum.

Chairperson

18. At the commencement of the first meeting of trustees after an annual general meeting, at which trustees have been elected, the trustees shall elect a chairperson from among their number, who shall hold office as such until the end of the next annual general meeting of the members of the body corporate and who shall have a casting as well as a deliberative vote, save where there are only two trustees.

19. The body corporate may at a general meeting, in respect of which the requisite notice of special business has been given, remove the chairperson from his office as such.

20. If any chairperson elected in terms of rule 18 vacates his office as chairperson or no longer continues in office by virtue of the provisions of rule 19, the trustees shall elect another chairperson who shall hold office as such for the remainder of the period of office of the first-mentioned chairperson, and who shall have the same rights of voting.

21. If any chairperson vacates the chair during the course of a meeting or is not present or is for any other reason unable to preside at any meeting, the trustees present at such meeting shall choose another chairperson for such meeting who shall have the same rights of voting as the chairperson.

Voting

22. All matters at any meeting of the trustees shall be determined by a majority of the votes of the trustees present and voting where the chairperson shall have a casting as well as a deliberative vote save where there are only two trustees.

23. A trustee shall be disqualified from voting in respect of any contract or proposed contract, of any litigation or proposed litigation, with the body corporate, by virtue of any interest he may have therein.

24. A resolution in writing signed by all the trustees for the time being present in the Kingdom of Eswatini and being not less than are sufficient to form a quorum, shall be valid and effective as if it had been passed at a meeting of the trustees duly convened and held.

THE FUNCTIONS, POWERS AND DUTIES OF TRUSTEES

General

25. The duties and powers of the body corporate shall, to the provisions of the Act and these rules and to any restriction imposed or direction given at a general meeting of the owners of

sections, be performed or exercised by the trustees of the body corporate holding office in terms of these rules.

Powers

26. (1) Subject to any restriction imposed or direction given at a general meeting of the body corporate, the powers of the trustees shall include the following:
- (a) To appoint for and on behalf of the body corporate such agents and employees as they deem fit in connection with:
 - (i) the control, management and administration of the common property; and
 - (ii) the exercise and performance of any or all of the powers and duties of the body corporate;
 - (b) To delegate, in writing, to one or more of the Trustees such of their powers and duties as they deem fit and at any time to revoke such delegation.
- (2) The trustees may not make loans on behalf of the body corporate to owners of units or to themselves.

Signing of Instruments

27. No instrument signed on behalf of the body corporate shall be valid and binding unless it is signed by a trustee and the managing agent, referred to in rule 46, or by two trustees, or, in the case of certificate issued in terms of section 16 (4) (b) of the Act, by a trustee or the managing agent.

DUTIES OF TRUSTEES

Statutory and General Duties

28. (1) Without detracting from the scope of the additional duties specified in rules 29 to 45, inclusive, and subject to the provisions of such rules, the trustees shall perform the functions entrusted to them by sections 39 to 41 of the Act.
- (2) The trustees shall do all things reasonably necessary for the control, management and administration of the common property in terms of the powers conferred upon the body corporate by section 40 of the Act.
- 3) The trustees shall do all things reasonably necessary for the enforcement of the rules in force.

(4) The trustees will be required to develop a body charter to govern their operations, declare interests and align to all ethical standards.

Insurance

29. (1) (a) At the first meeting of the trustees or so soon thereafter as is possible and annually thereafter, the trustees shall take steps to insure the buildings, and all improvements to the common property, to the full replacement value thereof against:
- (i) fire, lightning and explosion;
 - (ii) riot, civil commotion, strikes, lock-outs, labour disturbances or malicious persons acting on behalf of or in connection with any political organization;
 - (iii) aircraft and other aerial devices or articles dropped therefrom;
 - (iv) bursting or overflowing of water tanks, apparatus or pipes;
 - (vii) impact with any of the said buildings or improvements by any road vehicle, horses or cattle;
 - (viii) housebreaking or any attempt thereat;
 - (ix) loss of occupation or loss of rent in respect of any of the above risks;
 - (x) such other perils or dangers as the trustee or any holder of first mortgage bonds over not less than 25% in number of the units in the scheme, may deem appropriate.
- (b) The trustees shall at all times ensure that in the policy of insurance referred to in paragraph (a) above:
- (i) there is specified the replacement value of each unit (excluding the owner's interest in the land):
 - (aa) initially [but subject to the provisions of subparagraph (cc)] in accordance with the trustees' estimate of such value;
 - (bb) after the first annual general meeting [[but subject to the of subparagraph (cc)] in accordance with the schedule of values as approved in terms of paragraph (c); or
 - (cc) as required at any time by any owner in terms of paragraph (d);
 - (ii) any "average" clause is restricted in its effect to individual units and does not apply to the building as a whole;
 - (iii) there is included a clause in terms of which the policy is valid and enforceable by any mortgage against the insurer notwithstanding any circumstances whatsoever which would otherwise entitle the insurer to refuse to make payment of the amount insured unless and until the insurer

of not less than thirty days' notice to the mortgagee shall have terminated such insurance.

(c) Before every annual general meeting, the trustees shall cause to be prepared schedules reflecting their estimate of:

(i) the replacement value of the buildings and all improvements to the common property; and

(ii) the replacement value of each unit (excluding the owner's interest in the land), the aggregate of such values of all units being equal to the value referred to in subparagraph (i) above, and such schedules shall be laid before the annual general meeting for consideration and approval in terms of rule 56.

(d) Any owner may at any time increase the replacement value as specified in the insurance policy in respect of the owner's unit but such owner shall be liable for payment of the additional insurance premium and shall forthwith furnish the body corporate with proof thereof from the insurer.

(e) The trustees shall, on the written request of a mortgage and satisfactory proof thereof, record the cession by any owner to such mortgage of the owner's interest in the application of the proceeds of the policies of insurance effected in terms of rule 29 (1) (a).

(2) At the first meeting of the trustees or as soon thereafter as is possible, the trustees shall take all reasonable steps:

(a) to insure the owners and the trustees and to keep them insured against liability in respect of:

(i) death, bodily injury or illness; and

(ii) loss of, or damage to, property, occurring in connection with the common property, for a sum of liability of not less than one hundred thousand emalangeni, which sum may be increased from time to time as directed by the owners in general meeting; and

(b) to procure to the extent, if any, as determined by the members of the body corporate in a general meeting, a fidelity guarantee in terms of which shall be refunded any loss of moneys belonging to the body corporate or for which it is responsible, sustained as a result of any act of fraud or dishonesty committed by any insured person being any person in the service of the body corporate and all trustees and persons acting in the capacity of managing agents of the body corporate; and

(c) to procure a cash policy as determined by the members of the body corporate in a general meeting, in terms of which policy there will be made good:

- (i) loss of money in the course of business up to and including an amount equivalent to total levies due and payable in one month, or such lesser amount as the trustees from time to time may determine;
 - (ii) loss of or damage to any receptacle for which the body corporate is responsible resulting from the theft or attempted theft of money.
- (3) The owners may by special resolution direct the trustees to insure against such other risks as the owners may determine.
- (4) The owner of a section is responsible for any excess payment in respect of the owner's section payable in terms of a contract of insurance entered into by the body corporate, however, owners may by special resolution determine that the body corporate is responsible for excess payments in respect of specified damage.

Contributions and Liability in Terms of Section 38 (1) and 48 of the Act

- 30. It shall be the duty of the trustees to levy and collect contribution from the owners in accordance with the provisions and in the proportions set forth in rule 31.
- 31.
 - (1) The liability of owners to make contributions, and the proportions in which the owners shall make contributions for the purposes of section 38 (1) of the Act, or may in terms of section 48 of the Act to be held liable for the payment of a judgement debt of the body corporate, shall with effect from the date upon which the body corporate comes into being, be borne by the owners in accordance with a determination made in terms of section 33 (4) of the Act, or in the absence of such determination in accordance with the participation quotas attaching to their respective sections.
 - (2) At every annual general meeting the body corporate shall approve, with or without amendment, the estimate of income and expenditure referred to in rule 36 and shall determine the amount estimated to be required to be levied upon the owners during the ensuing financial year.
 - (3) Within fourteen days after each annual general meeting the trustees shall determine the amount payable by each owner in accordance with the determination made in terms of section 33 (4) of the Act, in the absence of such determination, the participation quota attaching to the owner's section, and shall forthwith advise each owner in writing of the amount payable. Such amount shall thereupon become payable in instalments, as determined by the trustees.

(4) The trustees may from time to time, when necessary, make special levies upon the owners or call upon them to make special contributions in respect of all such expenses as are mentioned in rule 31 (1) above [which are not included in any estimates made in terms of rule 31 (2) above,] and such levies and contributions may be made payable in one sum or by such instalments and at such time or time as the trustees shall think fit.

(d) After the expiry of a financial year until they become liable for contributions in respect of the ensuing financial year, owners are liable for contributions in the same amounts and payable in the same installments as were due and payable by them during the expired financial year.

(the trustees may, if they consider it necessary and by written notice to the owners, increase the contributions due by the owners by a maximum of 10 per cent to take into account the anticipated increased liabilities of the body corporate.)

(5) An owner shall be liable for and pay all legal costs, including costs as between attorney and client, collection commission, expenses and charges incurred by the body corporate in obtaining the recovery of arrear levies, or any other arrear amounts due and owing by such owner to the body corporate, or in enforcing compliance with these rules, the conduct rules or the act.

(6) The trustees shall be entitled to charge interest on arrear amounts at such rate as they may from time to time determine.

Record of Rules and their Availability

32. (1) The trustees shall keep a complete record of all rules in force from time to time.
- (2) The trustees shall on the application of:
- (a) an owner of a unit;
 - (b) an occupant of a unit;
 - (c) the prospective purchaser of a unit;
 - (d) the holder of any registered sectional mortgage bond;
 - (e) the managing agent; and
 - (f) the auditor of the accounting office,
- supply to any such person a copy of all rules in force, and may require them to pay a reasonable charge therefore.

IMPROVEMENTS

33. (1) *Non-Luxurious Improvements*
- The trustees may, if the owners by unanimous resolution so decide, effect improvements of a non-luxurious nature on the common property.

- (2) *Luxurious Improvements*
- (a) Should the trustees wish to effect any improvements to the common property, other than non-luxurious improvements referred to in sub rule (1), they shall first give written notice of such intention to all owners such notice shall:]
- (i) indicate the intention of the trustees to proceed with the improvement upon the expiry of a period of not less than thirty days reckoned from the date of posting such notice; and
- (ii) provide details of the improvement as to:
- (aa) the costs thereof; and
- (bb) the manner in which it is to be financed and the effect upon levies paid by owners; and
- (cc) the need, desirability and effect thereof.
- (b) the trustees shall at the written request of any owner convene a special general meeting in order to discuss and to deliberate upon the proposals contained in the notice referred to in paragraph (a), at which meeting the owners may veto, amend or approve such proposals by way of special resolution.
- (c) in the event of such a special general meeting being called, the trustees shall not proceed with their proposals until the holding of such meeting, whereupon they shall be bound by any special resolution ensuing therefrom.
- (3) Notwithstanding the provision of sub-rules (1) and (2), the trustees shall, if so required in writing by a majority of owners, procure the installation and maintenance in good working order, at the body corporate's cost, of separate metres to record the consumption of electricity, water and gas in respect of each individual section and the common property.
- (4) If and for so long as no separate metres have been installed in terms of sub-rule (3) the contribution payable by each owner in respect of electricity, water and gas shall be calculated in accordance with the provisions of rule 31.

Minutes

34. (1) The trustees shall:
- (a) keep minutes of their proceedings;
- (b) cause minutes to be kept of all meetings of the body corporate in a minute book of the body corporate kept for the purpose;
- (c) include in the minute book of the body corporate a record of every unanimous resolution, special resolution and any other resolution of the body corporate.
- (2) The trustees shall keep all minute books in perpetuity.

(3) On the written application of any owner or registered mortgagee of a unit, the trustees shall make all minutes of their proceedings and the minutes of the body corporate available for inspection by such owner or mortgagee.

Books of Accounts and Records

35. (1) The trustees shall cause proper books of account and records to be kept so as fairly to explain the transactions and financial position of the body corporate, including:
- (a) a record of the assets and liabilities of the body corporate;
 - (b) a record of all sums of money received and expended by the body corporate and the matters in respect of which such receipt and expenditure occur;
 - (c) a register of owners and of registered mortgages of units and of all other persons having real rights in such units (insofar as written notice shall have been given to the trustee by such owners, mortgagees or other persons) showing in each case their addresses; and
 - (d) individual ledger accounts in respect of each owner.
- (2) On the application of any owner, registered mortgage or of the managing agent the trustees shall make all or any of the books of account and records available for inspection by such owner, mortgagee or managing agent.
- (3) The trustees shall cause all books of account and records to be retained for a period of six years after completion of the transactions, acts or operations to which they relate. Minute books shall be retained for so long as the scheme remains registered.

Annual Financial Estimate, Financial Statement and Report

36. (1) Before every annual general meeting, the trustees shall cause to be prepared an itemised estimate of the anticipated income and expenses of the body corporate during the ensuing financial year, which estimate shall be laid before the annual general meeting for consideration in terms of rule 56 hereof.
- (2) The estimate of expenses referred to in sub-rule (1) shall include a reasonable provision for contingencies.
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 practice, which statement shall fairly present the state of affairs of the body of 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) the age analysis of debts in respect to levies, special levies and other contributions.

(b) the age analysis of amounts owing by the body corporate to the creditors and in particular to any public or local authority in respect of rates and 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.

38. The trustees shall further cause to be prepared and shall lay before every annual general meeting a report signed by the chairperson reviewing the affairs of the body corporate during the past year, for consideration in terms of rule 56 (b).

39. (1) The trustees shall cause copies of the schedules, estimate, audited statement and report referred to in rules 29 (1) (c), 36, 37 and 38 to be delivered to each owner, and to any mortgagee which has advised the body corporate of its interest, at least fourteen days before the date of the annual general meeting at which they are to be considered.

(2) Delivery under the last preceding sub-rule shall be deemed to have been effected if the documents referred to are sent by prepaid post addressed to the owner at the owner's domicile referred to in rule 3 (2), and to any mortgagee as aforesaid at the address of such mortgagee as reflected in the records of the body corporate.

Audit

40. (1) At the first general meeting and 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.

(2) Where a scheme comprises less than 10 units, an accounting officer may be appointed for that purpose.

Deposit and Investment of Funds

41. The trustees shall cause all moneys received by the body corporate to be deposited to the credit of an account or accounts with a registered commercial bank or building society in the name of the body corporate and, subject to any direction given or restriction imposed at a general meeting of the body corporate, such moneys shall only be withdrawn for the

purpose of payment of the expenses of the body corporate or investment in terms of rule 43.

42. (1) The trustees may in writing authorize the managing agent to administer and operate the accounts referred to in rule 41 and 43.
(2) Where the managing agent is an estate agent, the trustees may authorize such managing agent to deposit moneys contemplated in rule 41 in a trust account, which money shall only be withdrawn for the purposes contemplated in rule 41.
43. Any funds not immediately required for disbursement may be invested in a savings or similar account with any building society or any other registered deposit receiving institution approved by the trustees from time to time. Interest accrues to the body corporate.
44. Interest on moneys invested shall be used by the body corporate for any lawful purpose.

No Refunds or Distribution of Profits or Assets

45. (1) The owners shall not be entitled to a refund of contributions lawfully levied upon them and duly paid by them.
(2) No portion of the profits or gains of the body corporate shall be distributed to any owner or any other person except upon destruction or deemed destruction of the building, or where such profit or gain is of a capital nature.

The Appointment, Powers and Duties of a Managing Agent

46. (1) Notwithstanding anything to the contrary contained in rule 28, and subject to the provisions of section 40 (1) of the Act, the trustees may from time to time, and shall if required by a registered mortgagee of 50% of the units or by the members of the body corporate in general, appoint in terms of a written contract a managing agent to control, manage and administer the common property and to exercise such powers and duties as may be entrusted to the managing agent, including the power to collect levies and the power to appoint a supervisor or caretaker subject to that a managing agent shall be appointed for a year at a time and unless the body corporate notifies the managing agent to the contrary such appointment will be automatically renewed from year to year.
(2) A managing agent is appointed for an initial period of one year and thereafter such appointment shall be automatically renewed unless the body corporate notifies the managing agent to the contrary and the notice of termination of the contract is given by

the trustees in accordance with a resolution taken at a trustee meeting or an ordinary resolution taken at a general meeting.

- (3) (a) The trustees shall ensure that there is included in the contract of all managing agents a provision to the effect that if he is in breach of any of the provisions of the owner's contract, or if he is guilty of conduct which at common law would justify the termination of a contract between master and servant, the trustees may, without notice, cancel such contract of appointment, and that the managing agent shall have no claim whatsoever against the body corporate or any of the owners as a result of such cancellation.
- (b) Any one or more of the owners of mortgagees of sections in the buildings may, if the managing agent is in breach of the provisions of the owner's contract or if he is guilty of any conduct which at common law would justify the termination of a contract between master and servant, require the trustees to cancel the managing agent's contract in terms of paragraph (a). The foregoing provisions shall in no way detract from the trustees' rights to cancel the managing agent's contract.
- (c) Any owner or mortgagee who required the trustees to cancel the managing agent's contract in terms of paragraph (b) shall furnish the trustee with such security as they in their discretion may determine for the payment of and shall indemnify the trustees and the body corporate against:
- (i) all litigation costs reasonably incurred by the trustees in enforcing such cancellation against the managing agent; and
 - (ii) all other cost and damages arising out of such cancellation, purported cancellation or litigation for which the trustees or the body corporate might be liable up to the time such owner or mortgagee formally notifies the trustees that he no longer requires them to pursue the action.
- (d) The trustees shall not be required to cancel the contract of appointment of the managing agent unless and until the owner or mortgagee requiring cancellation in terms of paragraph (b) has furnished them with the security and indemnity as specified in rule 46, paragraph (2), (c).

47. The contract with the managing agent shall further provide for the appointment to be revoked, and such managing agent shall cease to hold office, if:
- (1) where the managing agent is a juristic person, an order is made for its provisional or final liquidation or, where the managing agent is a natural person, he applies for the surrender of the owner's estate as insolvent or the owner's estate is sequestrated either provisionally or finally, or where the managing agent is a company, it is placed under judicial management; or

- (2) the managing agent is convicted or an offense involving an element of fraud or an element of dishonesty or, where the managing agent is a close corporation, any of its members is convicted of any offense; or
- (3) a special resolution of the members of the body corporate is passed to that effect however in such event the managing agent so removed from office shall not be deprived of any right he may have to claim compensation or damages for breach of contract.

48. The managing agent shall keep full records of the agent's administration and shall notify the body corporate and all holders of registered sectional mortgage bonds of all matters which in the opinion of the agent detrimentally affect the value of amenity of the common property and any of the sections.

49. (1) The trustees shall give reasonable prior notice to the agent of all meetings of the trustees and he may with the consent of the trustees be present thereat.
- (2) The trustees shall from time to time furnish to the managing agent copies of the minutes of all meetings of the trustees and of the body corporate.

MEETING OF OWNERS

General Meetings

When to be held

50. (1) The first meeting of owners shall be held within sixty days of the establishment of the body corporate, at least seven days' notice of which shall be given in writing, and which notice shall be accompanied by a copy of the agenda of such meeting and details of the items referred to in sub-rule 2.
- (2) The agenda for the meeting convened under sub-rule (1), shall comprise at least the following:
 - (i) The election of the trustees;
 - (ii) the consideration, confirmation or variation of the insurances effected by the developer or the body corporate;
 - (iii) the consideration, confirmation or variation of an itemised estimate of the anticipated income and expenses of the body corporate for the ensuing financial year;
 - (iv) the consideration and approval, with or without amendment, of the financial statements relating to the management, control and administration of the building from date of establishment of the body corporate to the date of notice of the meeting referred to in sub-rule (1):

- (v) the taking, subject to section 48 (2) of the Act, of cession of such contracts relating to the management, control and administration of the building as may have been entered into by the developer for the continual management, control and administration of the building and common property in respect of which the developer shall be obliged to submit contracts to the meeting;
- (vi) the appointment of an auditor or, where applicable, an accounting officer;
- (vii) any restrictions or directions to be given in terms of section 40 (1) of the Act; and
- (xiii) determination of the domicilium citandi et executandi of the body corporate.

51. (1) Annual general meetings shall be held once in every year.
- (2) Unless otherwise decided by the trustees, the financial year of the body corporate shall run from the 1st day of March in each year to the last day February in the following year.

52. All general meetings other than the annual general meeting shall be called special general meetings.

53. The trustees may whenever they think fit and shall upon a request in writing made either by owners entitled to 25 percent of the total of the quotas of all sections or by any mortgagee holding mortgage bonds over not less than 25 percent in number of units, convene a special meeting. If the trustees fail to call a meeting so requested within fourteen days of the request, the owners or mortgagee concerned shall be entitled themselves to call the meeting.

Notice of General Meetings

54. (1) Unless otherwise provided for in the Act, at least fourteen days' notice of every general meeting specifying the place, within the magisterial district where the scheme is situated, or such other place determined by special resolution of members of the body corporate, the date and the hour of the meeting and, in the case of special business, the general nature of such business, shall be given:
- (a) to all owners;
 - (b) to all holders of registered mortgage bonds over units who have advised the body corporate of their interests; and to the managing agent.
 - (c) to the managing agent.

- (2) The holders of registered mortgage bonds and the managing agent referred to in sub-rule (1), shall have the right to attend the meeting herein referred to and to speak at such meetings, but shall not, in their respective capacities as such, be entitled to vote thereat.
- (3) The notice referred to in sub-rule (1) (a) shall be deemed to have been sufficiently given and delivered if delivered in accordance with rule 39 (2).
- (4) The notice referred to in sub-rule (1) shall be accompanied by the documents referred to in rule 39 (1), except in the case of a meeting contemplated in rule 50 (1) or a special general meeting.
- (5) Inadvertent omission to give notice referred to in sub-rule (1) to any person entitled to such notice or the non-receipt of such notice by such person shall, save in the case of the persons contemplated in sub-rule (1) (b) not invalidate any proceedings at any such meeting.
- (6) A general meeting of the body corporate may be called on shorter notice than that specified in sub-rule (1), provided it is so agreed by all persons entitled to attend.
- (7) A special general meeting for the purposes of passing a unanimous or special resolution may be convened for date 30 days or less after notice has been given to all the members of the body corporate if, in the opinion of the trustees, it is necessary due to the urgency of a matter or due to the specific nature of the matter to convene the meeting with such shorter period of notice.

PROCEEDINGS AT GENERAL MEETING

Ordinary and Special Business

55. All business at any general meeting other business referred to in rule 56 (a), (b), (c), and (d) shall be special business.

Annual General Meeting

56. The following business shall be transacted at an annual general meeting:
- (a) The consideration of the financial statement and report referred to in rules 37 and (b) the approval with or without amendment of:
 - (i) the schedules of replacement values referred to in rule 29 (1) (c); and
 - (ii) the estimate of income and expenditure referred to in rule 36;
 - (c) the appointment of an auditor or an accounting officer;
 - (d) the determination of the number of trustees for the ensuing year;

- (e) the election of trustees for the ensuing year;
- (f) any special business of which due notice has been given in terms of rule 54;
- (g) the giving or imposing of any directions or restrictions referred to in section 41 (1) of the Act; and
- (h) the determination of the *docilium citandi et executandi* of the body corporate.

Quorum

57. (1) No business shall be transacted at any general meeting unless a quorum of persons is present in person or by proxy at the time when the meeting proceeds to business.
- (2) A quorum at a general meeting shall be:
- (a) the number of owners holding at least 50 percent of the votes, present in person or by proxy or by representative recognised by law and entitled to vote, in schemes where there are ten units or less;
 - (b) the number of owners holding at least 35 percent of the votes, present in person or by proxy or by representative recognised by law and entitled to vote in the case of schemes with less than 50 but more than 10 units; and
 - (c) the number of owners holding at least 20 percent of the votes present in person or by proxy or by representative recognised by law and entitled to vote, in the case of schemes with 50 or more units.

58. If within half-an-hour from the time appointed for a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time and if at the adjourned meeting a quorum is not present with half-an-hour of the time appointed for the meeting, the owners present in person or by proxy and entitled to vote and shall form a quorum.

Chairperson

59. (1) The chairperson, if any, of the trustees shall preside as chairperson at every general meeting of the body corporate, unless otherwise resolved by members of the body corporate at such meeting.
- (2) If there is no such chairperson or if, at any meeting, the chairperson of the trustees is not present within fifteen minutes after the time appointed for the holding of the

meeting, or if he is unwilling or unable to act as chairperson, the members present shall elect one of their number to be chairperson.

VOTING AT GENERAL MEETINGS

Poll

60. (1) At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless either prior to or on the declaration by the chairperson of the result of the show of hands, a poll is demanded by any person entitled to vote at such meeting.

(2) Unless a poll be so demanded, a declaration by the chair that a resolution has on the show of hands been carried, shall be conclusive evidence of that fact without proof of the number or proportion of votes recorded in favour of or against such resolution.

(3) A demand for a poll may be withdrawn.

61. A poll, if demanded, shall be taken in such a manner as the chairperson thinks fit, and the result of the poll shall be deemed to be the resolution of the meeting at which such poll was demanded.

Votes

62. On a show of hands the owner or owners of a section, or if the owner is a juristic person, its proxy, shall have one vote. The chairperson shall be entitled, exercise discretion for purposes of changing the manner of voting to one by poll and not by show of hands.

63. For the purpose of unanimous or special resolution (with or without a ballot), or on a poll the value of the vote of the owner or owners of a section shall be reckoned in accordance with a determination made in terms of section 33 (4) of the Act or, in the absence of this determination, in accordance with participation quotas.

No Vote in Certain Circumstances

64. Except in cases where a special or unanimous resolution is required under the Act, an owner shall not be entitled to vote at any general meeting if:

- (a) any contributions payable by the owner in respect of the owner's section and the owner's undivided share in the common property have not been duly paid;
- or

(b) the owner persisted in breach of any of the conduct rules referred to in section 36(2) (b) of the Act, notwithstanding written warning by the trustees or managing agent to refrain from breaching such rule. Any mortgage shall be entitled to vote as such owner's proxy at any general meeting, even though paragraph (a) or the afore going provisions of this paragraph may apply to such owner.

Voting by Trustee for Beneficiary

65. Where an owner of a section is as such a trustee for a beneficiary, he shall exercise the voting rights in respect of the section to the exclusion of persons beneficially interested in the trust and such persons shall not be entitled to vote.

Joint Ventures

66. (1) When two or more persons are entitled to exercise one vote jointly, that vote shall be exercised only by a person (who or may not be one of them) jointly appointed by them as their proxy.

(2) Notwithstanding sub-rule (1), where two or more persons are entitled to exercise one vote jointly, any one of them may demand a poll.

Proxies

67. (1) Votes at a general meeting may be cast either personally or by proxy, whether on a poll or on a show of hands.

(2) A proxy shall be appointed in writing under the hand of the appointee, or the proxy's agent duly appointed in writing, and shall be handed to the Chairperson prior to the commencement of the meeting.

These provisions shall not apply in the case of any proxy created and contained in any registered mortgage bond, if such mortgage bond is produced at the meeting.

(3) A proxy need not be an owner but shall not be the manager or any of his employees, or an employee of the body corporate.

DUTIES OF OWNERS AND OCCUPIERS OF SECTIONS

Statutory and General

68. (1) In addition to an owner's obligations in terms of section 45 of the Act, an owner:

- (i) shall not use the owner's section, exclusive use area or any part of the common property, or permit it to be used, in such manner or for such purpose as shall be injurious to the reputation of the building;
- (ii) shall not contravene, or permit the contravention, of any law, by-law, ordinance, proclamation or statutory regulation, or the conditions of any license, relating to or affecting the occupation of the building or the common property, or the carrying of business in the building, or so contravene or permit the contravention of the conditions of the title applicable to the owner's section or any other section or to the owner's exclusive use area or any other exclusive use area;
- (iii) shall not make alterations which are likely to impair the stability of the building or the use and enjoyment of other sections, the common property or any exclusive use area;
- (iv) shall not do anything to the owner's section or exclusive use area which is likely to prejudice the harmonious appearance of the building;
- (v) shall, when the purpose for which an exclusive use area is intended to be used is shown, expressly or by implication on, or by a registered sectional plan, not use, nor permit such exclusive use area to be used for any other purpose however, with the written consent of all owners such exclusive use area may be used for another purpose;
- (vi) shall not construct or place any structure or building improvement on the owner's exclusive use area, without prior written consent of the trustees, which shall not be unreasonably withheld;
- (vii) shall maintain the hot water installations which serve the owner's section, or, where such installation serves more than one section, the owners concerned shall maintain such installation proportionally, notwithstanding that such appliance is situated in part of the common property and is insured in terms of the policy taken out by the body corporate.

(2) An owner who exercises the right to insure against risks other than damages to the owner's section, in terms of section 46 (3) of the Act shall bear all costs to effect such insurance.

Binding Nature

69. The provisions of the rules and the conduct rules, and the duties of the owner in relation to the use and occupation of sections and common property shall be binding on the owner of any section and any lessee or other occupant of any section, and it shall be the duty of the owner to

ensure compliance with the rules by the owner's lessee or occupant, including employees, guests and any member of the owner's family.

Owner's Failure to Maintain

70. If an owner-

- (a) fails to repair or maintain the owner's section in a state of good repair as required by section 45 (1) (c) of the Act; or
- (b) fails to maintain adequately any area of the common property allocated for the owner's exclusive use and enjoyment, and any such failure persists for a period of thirty days after giving of written notice to repair or maintain given by the trustees or the managing agent on their behalf, the body corporate shall be entitled to remedy the owner's failure and to recover the reasonable cost of doing so from such owner.

Determination of Disputes by Arbitration

71. (1) The provisions of the Arbitration Act 24/1904 shall, in so far as those provisions can be applied, apply *mutatis mutandis* with reference to arbitration proceedings under the Act.

(2) Any dispute between the body corporate and an owner or between owners arising out of or in connection with or related to the Act, these rules or the conduct rules, save where an interdict or any form of urgent or other relief may be required and obtained from a Court having jurisdiction, shall be determined in terms of these rules.

(3) If such a dispute or complaint arises, the aggrieved party shall notify the other affected party or parties in writing and copies of such notification shall be served on the trustees and the managing agents, if any, and should the dispute or complaint not be resolved within 14 days of such notice, either of the parties may demand that the dispute or complaint be referred to arbitration.

(if an owner declares a dispute with the body corporate, it shall be sufficient notice if notification is served on the trustees and managing agents, if any, and such owner will not be required to serve notice on each of the other owners).

(4) Having regard to the nature and complexity of the dispute or complaint and to the costs which may be involved in the adjudication thereof, the parties shall appoint an arbitrator who shall be an independent and suitably experienced and qualified person as may be agreed upon between the parties to the dispute.

(5) If the parties cannot agree as to the arbitrator to be appointed in terms of sub rule (3) within 3 days after the arbitration has been demanded, the registrar of deeds shall upon written application and subject to payment of fees as reasonably determined by him, in writing appoint an arbitrator within 7 days after he has been required to make the appointment so that the arbitration can be held and concluded without delay.

(6) Arbitration shall be held informally or otherwise as the arbitrator may determine. The arbitrator shall have the right to demand that the party demanding the arbitration furnish the arbitrator with security for payment of the costs of the arbitration in such amount and form as the arbitrator may determine, failing which the arbitration shall not be proceeded with. Where possible, the arbitration shall be concluded within 21 days after the matter has been referred to arbitration in terms of sub rule (2) or security for costs has been furnished.

(7) The arbitrator shall make an award within 7 days from the date of the completion of the arbitration and shall, in making such award, have regard to the principles laid down in terms of these rules. The arbitrator may determine that the costs of the arbitration be paid by any one of the disputing parties or any of them jointly or in such shares as the arbitrator exercising discretion, determine as being appropriate having regard to the outcome of the arbitration.

(8) The decision of the arbitrator shall be final and binding and may be made an order of the High Court upon application of any party to or affected by the arbitration.

(9) Notwithstanding that the Arbitration Act, No. 24 of 1904 makes no provision for joinder of the parties to arbitration without their consent, should a dispute arise between the body corporate and more than one owner or between a number of owners arising out of the same or substantially the same cause of action, or where substantially the same order would be sought against all the parties against whom the dispute has been declared, such parties shall be automatically joined in the arbitration by notice in the original notice of dispute given in terms of sub rule (2).

ANNEXURE 4: CONDUCT RULES

[Section 36 (2) (b) of the Sectional Titles Act, 2003]

Animals, Reptiles and Birds

1. (1) An owner or occupier of a section shall not, without the consent in writing of the trustees, which approval may not be unreasonably withheld, keep any animal, reptile or bird in a section or on the common property.
- (2) When granting such approval, the trustees may prescribe any reasonable condition.
- (3) The trustees may withdraw such approval in the event of any breach of any condition prescribed in terms of sub-rule (2).

Refuse Disposal

2. (1) An owner or occupier of a section shall:
 - (a) maintain in a hygienic and dry condition, an acceptable receptible for refuse within the owner or occupier's section, exclusive use area or on such part of the common property as may be authorised by the trustees in writing;
 - (b) ensure that before refuse is placed in such receptible it is securely wrapped, or in the case of tins or other containers, completely drained;
 - (c) for the purpose of having the refuse collected, place such receptible within the area and at the times designated by the trustees;
 - (d) when the refuse has been collected, promptly return such receptible to the section or other area referred to in paragraph (a).
- (2) The trustees/ managing agents shall ensure that refuse from developments is collected and disposed on time.

Vehicles

3. (1) No owner or occupier shall park or stand any vehicle upon the common property or permit or allow any vehicle to be parked or stood upon the common property without the consent of the trustees in writing.
- (2) The trustees may cause to be removed or towed away, at the risk and expense of the owner of the vehicle, any vehicle parked, standing or abandoned on the common property without the trustee's consent.

(3) Owners and occupiers of sections shall ensure that their vehicles, and the vehicles of their visitors and guests, do not drip oil or brake fluid on to the common property or in any way deface the common property.

(4) No owner or occupier shall be permitted to dismantle or effect major repairs to any vehicle on any portion of the common property, an exclusive use area or in a section.

Damage alterations or additions to the common property

4. (1) An owner or occupier of a section shall not mark, paint, drive nails or screws or the like into, or otherwise damage, or alter, any part of the common property without first obtaining the written consent of the trustees.

(2) Notwithstanding sub-rule (1), an owner or person authorised by him, may install:
(a) any locking device, safety gate, burglar bars or other safety device for purposes of protecting the owner's section; or
(b) any screen or other device to prevent the entry of animals or insects subject to that the trustees have first approved in writing the nature and design of the device and the manner of its installation.

Appearance from Outside

5. The owner or occupier of a section used for residential purposes shall not place or do anything on any part of the common property, including balconies, patios, stoops, and gardens which, in the discretion of the trustees, is aesthetically displeasing or undesirable when viewed from the outside of the section.

Signs and Notices

6. No owner or occupier of a section, used for residential purposes, shall place any sign, notice billboard or advertisement of any kind whatsoever on any part of the common property or of a section, so as to be visible from outside the section, without the written consent of the trustees first having been obtained.

Littering

7. An owner or occupier of a section shall not deposit, throw, or permit or allow to be deposited or thrown, on the common property any rubbish, including dirt, cigarette butts, food scraps or any litter whatsoever.

Laundry

8. An owner or occupier of a section shall not, without the consent in writing of the trustees, erect personal washing lines, nor hang any washing or laundry or any other items on any part of the building or the common property so as to be visible from outside the buildings or from any other sections.

Storage of Inflammatory Material and other Dangerous Acts

9. An owner or occupier shall not store any material, or permit or allow to be done, any other dangerous act in the building or on the common property which will or may increase the rate of the premium payable by the body corporate on any insurance policy.

Letting of Units

10. All tenants of units and other persons granted rights of occupancy by an owner of the relevant unit are obliged to comply with these conduct rules, notwithstanding any provision to the contrary contained in any lease or any grant of rights of occupancy.

Eradication of Pests

11. An owner shall keep the owner's section free of white ants, borer and other wood destroying insects and to this end shall permit the trustees, the managing agent, and their duly authorised agents or employees, to enter upon the owner's section from time to time for the purpose of inspecting the section and taking such action as may be reasonably necessary to eradicate any such pests. The costs of the inspection, eradicating any such pests as may be found within the section, replacement of any woodwork or other material forming part of such section which may be damaged by any such pests will be borne by the owner of the section concerned.

Noise and smoke pollution

12. (1) Loud music and smoke that disturbs or has the potential to disturb the peace and quiet of other owners and /or occupiers of units is not allowed whether it emanates from a dwelling or motor vehicle.
- (2) Parties or other social or cultural gatherings producing a loud noise, be it musical or people talking or celebrating loudly, and smoke are prohibited or the same must be conducted within the conditions approved by the trustees, especially in so far as time, area and number of people at such gathering is concerned.

Occupation density

13. It is impermissible to inhabit a unit with numbers of people such that the town planning scheme of the Local Authority within which the scheme is located is violated.

ANNEXURE 5: FORMS

FORM A

To: The Sectional Titles Regulation Board

APPLICATION UNDER SECTION 5 (1) OF THE SECTIONAL TITLES ACT,

.....
(name of developer)

.....
(furnish Postal address)

developer and registered owner of:

.....
(furnish registered description of land on which building/buildings is/are situated or to be erected) held under title deed/19, hereby applies for the approval of a development scheme referred to in the Sectional Titles Act, No. 6 of 2003, in respect of a building erected on land situated within the area of jurisdiction of

.....
(furnish name of local authority)

The application is accompanied by the following documents;
(furnish particulars of documents prepared pursuant to the provisions of the local authority laws with reference to the erection of buildings as referred to in regulation 2(2) (a), (b) or (c))

- | | |
|---|-------|
| | Tick |
| Draft sectional plans | |
| Building plans/ drawing with reference to the building | |
| Other..... | |
| The reference number of the local authority in this connection is | |

Signed at, this day
of 20.....

(Signature of developer or person authorized to sign on behalf of the developer)

FORM B

Prepared by me

.....

CONVEYANCER

.....

(State surname and initials in block letters)

APPLICATION UNDER SECTION 12 (1) OF THE SECTIONAL TITLES ACT No. 6 of 2003

I, the undersigned

(name of developer), hereby apply to the Registrar of Deeds at Mbabane for:

- 1. the opening of a sectional title register in terms of the provisions of section 13 (1) (b) of the Sectional Titles Act,, and the registration of the attached sectional plan in terms of the provisions of section 13 (1) (a) of that Act, in respect of the scheme known asSG No. held under the title deed No. /19
- 2. the issue of certificates of registered sectional title in terms of the provisions of section 13 (1) (d) of the aforesaid Act in respect of the sections shown on the said sectional plan;
- *3. the issue of a certificate of real right in terms of the provisions of section 13 (1) (e) of the aforesaid Act in respect of any proviso in terms of section 26 (1), and
- *4. the issue of a certificate of real right in terms of the provisions of section 13 (1) (f) of the above mentioned Act in respect of a right exclusive use referred to in section 28 (1).

Signed at, on

* Omit whichever is inapplicable.

.....

Signature of Developer

FORM C

Prepared by me

.....
CONVEYANCER

.....
(State surname and initials in block letters)

CERTIFICATE OF REGISTERED SECTIONAL TITLE ISSUED UNDER SECTION 13 (1) (d)/26 (11) (c) OF THE SECTIONAL TITLES ACT

I, Registrar of Deeds at Mbabane, hereby certify that is the registered owner of a unit consisting of:

(a) Section No., as shown and more full described on Sectional Plan No.SS

..... in the scheme known as in respect of the land and building or buildings known as.....

situated at, of which section the floor area, according to the said sectional plan is square metres in extent; and

(b) an undivided share in the common property in the scheme appointed to the said section in accordance with the participation quota as endorsed on the said sectional plan.

The unit is subject to or shall benefit by:

(i) the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions referred to in section 12 (3) (b) and the servitudes referred to in section 29 of the Sectional Titles Act; and

(ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.

Signed at on
(Seal of Office)

.....
Registrar of Deeds

* Omit whichever is inapplicable.
+ State name of township/suburb and local authority,

FORM D

SECTIONAL TITLE FILE

Sectional Title File No.SS 19/

Name of scheme

Place where building is situated (i.e. name of township/suburb and local authority)

.....

FORM E

Prepared by me

.....
CONVEYANCER

.....
(State surname and initials in block letters)

**CERTIFICATE OF REAL RIGHT UNDER SECTION 13 (1) (e)
OF THE SECTIONAL TITLES ACT,**

Whereas (hereafter called the developer) has applied for the registration of a sectional plan in terms of section 12 (1) of the Sectional Titles Act,, and whereas the developer has reserved for himself the right to extend the scheme as contemplated in section 26 (1) of the Act: Now, therefore, in pursuance of the provisions of the said Act I, the Registrar of Deeds at Mbabane, do hereby certify that the developer or the developer's successor in title is the registered holder of the right to erect and complete from time to time within a period of for such personal account* on the specified part of the community property as indicated on the plan referred to in section 26 (2) (a) of the Act filed in this office, and to divide such building or buildings into a section or sections and common property and to confer the right to exclusive use over portion of such common property upon the owner or owners of one or more units in the scheme known as (name of scheme) in respect of the land and building or buildings situate at and shown on Sectional Plan No SS.....

Signed at on

.....
Registrar of Deeds
Seal of Office

*State

which rights * State which rights i.e. section 26 (1) (a), (b) or (c) are reserved.
+State name of township/suburb and local authority.

FORM F

Prepared by me

.....
CONVEYANCER

.....
(State surname and initials in block letters)

CERTIFICATE OF REAL RIGHT: EXCLUSIVE USE AREAS

[In Terms of Section 13 (1) (f) of the Sectional Title Act, 2003]

Whereas
(hereinafter called the developer) has applied for the registration of a sectional plan in terms of section 12 (1) of the Act,, and whereas the developer has in terms of section 6 (3) (f) of the said Act delineated certain exclusive use areas on the sectional plan.

Now therefore, in pursuance of the provision of the said Act I, the Registrar of Deeds at Mbabane, do hereby certify that the developer is the registered holder of the right to the undermentioned exclusive use areas forming part of the common property and delineated as such on Sectional Plan No.SS

*

Signed at on 2

* Disclose each type of exclusive use area separately.

.....
Registrar of Deeds

Seal of Office

FORM G

Prepared by me

.....
CONVEYANCER

.....
..

(State surname and initials in block letters)

DEED OF TRANSFER

Be it hereby made known:

That appeared before me at Mbabane he, being duly authorized thereto by a power of attorney granted to him/her by dated the day of and signed at and the said appear declared that:

(Here insert an appropriate recital of the nature and date of the transaction or the circumstances necessitating transfer as well as the compensation) and that he/she in his/her capacity aforesaid, by these presents, cede and transfer, in full and free property, to and on behalf of

*1. A unit consisting of:

(a) Section No. as shown and more fully described on Sectional Plan No.SS in the scheme known as

..... in respect of the land and building or buildings situate at + of which section the floor area according to the said sectional plan is square metres in extent: and

(b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

Held.....by.....virtue.....of

*2. Here insert the description of the land to be conveyed, the extent thereof, and comply with the provisions of the regulations promulgated under the Deeds Registry Act No 37 of 1968 with reference to the extending clause and the conditions governing the unit.

*3. All the right, title and interest (here insert the share to be alienated if not the full interest) in the land and building or buildings in the scheme known as situate at + which interest consisting of *section/sections *to as shown and more fully described on Sectional Plan No.SS and *undivided share/undivided shares in the common property apportioned in accordance with the participation quota as endorsed on the said sectional plan.

Held by virtue of /
.....

The said *unit/interest is subject to or shall benefit by:

++(i) the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions referred to in section 12 (3) (b) and the servitudes referred to in section 29 of the Sectional Titles Act, 2003; and

(ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.

(iii) (Insert the special conditions endorsed against the title deed or contained therein).

Wherefore all the right, title and interest which the transferor heretofore had to the unit aforesaid is renounced and, in consequence it is also acknowledged that the transferor is entirely dispossessed of, and disentitled to, the same, and that, by virtue of these presents the aforesaid transferee now is entitled thereto, His Majesty's Government however, reserving its rights.

Signed, executed and sealed aton

.....
q.q. Signature of appearer

In my presence

.....
Registrar of Deeds

* Omit whichever is inapplicable.

+ State name of township/suburb and local authority.

++ Omit in the event of transfer of land.

/ State type of sectional title deed(s) and the number(s) thereof.

FORM H

Prepared by me

.....
ATTORNEY/NOTARY/CONVEYANCER
(Use whichever is applicable).

.....
(State surname and initials in block letters)

The Registrar of Deeds

.....

APPLICATION UNDER SECTION 16 (10) OF
THE SECTIONAL TITLES ACT, 2003

I,
joint owner of (furnish particulars of
unit) held by me, virtue of * hereby apply for a certificate of registered
sectional title in respect of my (state extent of share) share in
the aforesaid unit.

* State type of sectional title deed and the number thereof.

.....
Applicant

.....
Date and place

FORM I

Prepared by me

.....

CONVEYANCER

.....

(State surname and initials in block letters)

CERTIFICATE OF REGISTERED SECTIONAL TITLE ISSUED UNDER SECTION 16 (10) OF THE SECTIONAL TITLES ACT, 2003

I, the Registrar of Deeds at Mbabane, hereby certify that is the registered owner of an undivided share in unit consisting of:

(a) Section No. as shown and more described on Sectional Plan No.SS in the scheme known asin respect of the land and building or buildings situate at * of which section the floor area, according to the said sectional plan, is square metres in extent; and

(b) an undivided share in the common property in the scheme appointed to the said section in accordance with the participation quota as endorsed on the sectional plan.

Held by virtue of +

The unit is subject to or shall benefit by:

- (i) the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions referred to in section 12 (3) (b) and the servitudes referred to in section 29 of the Sectional Titles Act, 2003; and
- (ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.
- (iii) (Insert the special conditions endorsed against the title deed or contained therein)

Signed at on

Registrar of Deeds

Seal of Office

* State name of township/suburb and local authority.

+ State type of sectional title deed(s) and the number(s) thereof.

FORM J

Prepared by me

.....

CONVEYANCER

.....

(State surname and initials in block letters)

DEED OF TRANSFER

[Under Section 20 (3) of the Sectional Titles Acts, 2003]

Be it hereby made known:

WHEREAS the undermentioned land has been expropriated by.....

(here state the name of Transferee and quote authority) which land is at present registered under Sectional Title Deeds No. in the Deeds Registry at Mbabane AND

WHEREAS a certificate referred to in section of the Deeds Registry Act,, has been furnished to me by the transferee to the effect that the provisions of any law in connection with the change of ownership in the land in consequence of expropriation, have been complied with.

NOW, therefore by virtue of the authority vested in me by section 20 of the Sectional Titles Act,, I, Registrar of Deeds at Mbabane do hereby transfer in full and free property to and in favour of (here insert name of Transferee) in respect of..... (here insert the description of the property being transferred and refer to the diagram annexed or the diagram deed and condition of title).

NOW therefore the registered owners are entirely dispossessed of and disentitled to the said land and by virtue of this deed the said transferee (here insert name of Transferee) now is entitled thereto, His Majesty's Government however, reserving its rights.

Signed at on

.....

Registrar of Deeds

Seal of Office

FORM K

Prepared by me

.....

CONVEYANCER

.....

(State surname and initials in block letters)

DEED OF CESSION OF (here insert servitude or rights)

UNDER SECTION 20 (3) OF SECTIONAL TITLES ACT, 2003

WHEREAS the undermentioned (state whether servitude or other right) has/have been expropriated by (quote authority)..... over/in and upon portion/the land, comprised in the common property in the scheme known as No. situate at (disclose name of local authority) which is/are at present registered in the name of (disclose name of holder of servitude or other right) under (state nature of title and number);

AND WHEREAS a certificate has been furnished to me under section of the Deeds Registry Act, 1968, by the cessionary to the effect that the provisions of any law in connection with the expropriation of such (state servitude or other right) have been complied with;

NOW therefore by virtue of the authority vested in me by section 20 of the Act, I, the Registrar of Deeds at Mbabane do hereby cede to (state name of cessionary):

*1. (In the event of a servitude the description or nature thereof with reference to any diagram, if annexed), over, (Description and extent of land).

2. (In the case of other rights the description thereof) in and upon (Description and extent of land, with reference to diagram or section plan and ancillary rights, if any).

In witness whereof I, the said Registrar, have signed this deed at....., on

.....

Registrar of Deeds

Seal of Office.

FORM L

To
(State name and address of Sectional Titles Board)

APPLICATION UNDER SECTION *21 (1)/25 (1) OF THE
SECTIONAL TITLES ACT, 2003

I,, owner of section/sections* No.,
as shown and more fully described on Sectional Plan No. SS in the
scheme known as, in respect of the land and building or buildings situate at ~
....., of which section/sections* the floor area/areas*, according to the said
sectional plan is square metres in extent, and an undivided share in the
common property in the land and building or buildings and held by me under
+..... here by apply for approval to
subdivide/consolidate/extend* the aforesaid section/sections.

This application is accompanied by the following documents:

- 1. Draft Sectional Plan of subdivisions/consolidation/extension* in duplicate.
- 2. Certified copy of approval of body corporate.
- 3. (State other documents, if any).

Postal Address

Owner
.....

.....

..... Date

.....

~ Insert name of township/suburb and local authority.
* Omit which is not applicable.
+ State type of sectional title deed(s) and the number(s) thereof.

FORM M

Prepared by me

.....
ATTORNEY/NOTARY/CONVEYANCER

.....
(State surname and initials in block letters)
APPLICATION UNDER SECTION * 23 (1), 24 (1), 25 (6), 26 (9) OR 27 (5)
OF THE SECTIONAL TITLES ACT, 2003

I, the undersigned, do hereby apply to
the Registrar of Deeds at Mbabane for:

1. The registration of the attached sectional plan of subdivision of a section/consolidation of sections/extension of sections/extensions of scheme by addition of sections/extension of scheme by the addition of land to the common property * in terms of the provisions of section 23 (1)/24 (1) 25 (6)/26 (5)* of the Sectional Titles Act, 2003, in respect of ++ section No., formerly section/sections No./Nos as shown and more fully described on sectional plan No.SS in scheme known as in respect of the land and building or buildings situate at +..... and held under ~

2. The issue of certificates of registered sectional title in terms of the provisions of section * 23 (5)/24 (5)/26 (11) of the aforesaid Act in respect of the sections shown on the said sectional plan of * extension/subdivision/consolidation.

Signed at, on.....

.....
Signature

- * Omit whichever is inapplicable.
- + Insert name of township/suburb and local authority
- ++ To be adopted for extension of sections and/or common property.
- ~ State type of sectional title deed(s) and the number(s) thereof.

FORM N

Prepared by me

.....

CONVEYANCER

.....

(State surname and initials in block letters)

CERTIFICATE OF REGISTERED SECTIONAL TITLE UNDER SECTION 23 (5) OF THE SECTIONAL TITLES ACT, 2003.

Whereas has made application for the subdivision of Section No. as shown and more fully described on Sectional Plan No.SS in the scheme known as in respect of the land and building or building or buildings situate at* and held under +

..... in accordance with a plan of subdivision;

And whereas the sectional plan of subdivision has been registered by me as Sectional Plan No.SS Now therefore, I, Register of Deeds at Mbabane hereby certify that aforesaid is the registered owner of a unit consisting of:

(a) Section No., as shown and more fully described on the aforesaid sectional plan, in the scheme known as in respect of the land and building or buildings situate at *..... of which section the floor area, according to the said sectional plan is square metres in extent; and

(b) An undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

The unit is subject to or shall benefit by:

(i) the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions referred to in section 12 (3) (b) and the servitudes referred to in section 29 of the Sectional Titles Act, 2003, and

(ii) any alteration to the building or building or to a section or to the common property shown on the said sectional plan.

(iii) (Insert the special conditions imposed, endorsed against the title deed or contained therein).

Signed at on

.....

Registrar of Deeds

* Insert name of township/suburb and local authority.

+ State type of sectional title deed(s) and the number(s) thereof.

FORM O

Prepared by me

.....

CONVEYANCER

.....

(State surname and initials in block letters)

CERTIFICATE OF REGISTERED SECTIONAL TITLE UNDER SECTION 24(5) OF THE SECTIONAL TITLES ACT, 2003

Whereas has made application for the consolidation of his/her Section Nos. as shown and more fully described on Sectional Plan No.SS in the scheme known as, in respect of the land and building or buildings situate at* and held under +..... in accordance with a sectional plan of consolidation;

And whereas the plan of consolidation has been registered by me as Sectional Title Plan No.SS Now, therefore I, Registrar of Deeds at Mbabane hereby certify that aforesaid is the registered owner of a unit consisting of:

- (a) Section No. as shown and more fully described on the aforesaid section plan, in the scheme known as in respect of the land and building or buildings situate at of which section the floor area, according to the said sectional plan, is square metres in extent; and
- (b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

The unit is subject to or shall benefit by:

- (i) the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions referred to in section 12 (3) (b) and the servitudes referred to in section 29 of the Sectional Titles Act, 2003; and
- (ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.
- (iii) (Insert the special conditions endorsed against the title deed or contained therein).

Signed at on

Registrar of Deeds

Seal of Office

* Insert name of township/suburb and local authority.
+ State type of sectional title deed(s) and the number(s) thereof.

FORM P

Prepared by me

.....

CONVEYANCER

.....

(State surname and initials in block letters)

**CERTIFICATE OF REAL RIGHT UNDER SECTION 26(6)
OF THE SECTIONAL TITLES ACT, 2003.**

Whereas the right to extend the scheme vests with the body corporate of
under the provisions of section 26(6) of the Act:

Now therefore, I the Registrar of Deeds at Mbabane, in pursuance of the said Act, do hereby
certify that the said body corporate is the registered holder of the right to erect and complete
from time to time *..... on the specified
portion of the common property as indicated on the plan [referred to in section 26 (2) (a) of the
Act] filed in this office, and to divide such building or buildings into a section or sections and
common property and to confer the right of exclusive use over portions of such common
property and to confer the right of exclusive use over portions of such common property upon
the owner or owners of one or more of the units in the scheme known as,
in respect of the land and building or buildings situate at + and shown on
Sectional Plan No.SS

Signed at on

.....

.....

Registrar of Deeds

Seal of Office

* State which rights i.e. section 26 (1) (a), (b) or (c) are reserved.

+ State name of township/suburb and local authority.

FORM Q

To:
(State name and address of Sectional Titles Board)

**APPLICATION UNDER SECTION 26 (7)
OF THE SECTIONAL TITLES ACT, 2003**

I/We, the undersigned Developer/Successor in Title to Developer/Trustees of the body corporate of the scheme known as No the registered holder of the right to *and held under Certificate of Real Right No., do hereby apply for extension to the scheme by the addition thereto of sections as set out in the draft sectional plan of extension.

The Application is accompanied by the following documents:

.....

Signed at this day of

.....

Signature of Developer/Successor/Trustees or authorised person to sign on behalf of Developer.

The Developer's /Successor in Title's/Trustees' address:

.....
.....
.....

* State which right, i.e. section 26 (1) (a) or (c), is reserved.

State the documents referred to in regulation 2 (2).

FORM R

To:

.....

.....

(State name and address of Sectional Titles Board)

APPLICATION UNDER SECTION 27 (3) OF THE SECTIONAL TITLES ACT, 2003

We, the undersigned trustees for the body corporate of thescheme known as
....., No situate at *, do hereby apply
for the extension of the common property by the addition of the land described as
+..... to provide amenities and facilities for its members.

The application is accompanied by the following documents:

Address:.....

.....

Trustee

.....

.....

Trustee

.....

Date

.....

* State name of township/suburb and local authority.

+ Title description

State documents referred to in regulation 2 (2)

FORM S

Registrar's number of sectional plan SS
Registrar of Deeds
Mbabane

**NOTIFICATION IN TERMS OF SECTION 36 (5) AND
REGULATION 29 (3) AND (5) + SECTIONAL TITLES ACT, 2003.**

We,and..... (only two trustees required to sign), the undersigned trustees of the body corporate of the scheme known asNo.....situate at ** hereby give notice that on the Body Corporate made the following rules (set out in the attached Schedule) which has been initialled by the trustees for identification for the control and management of the building:

*(a) Management Rules (+ in substitution of, addition to, or withdrawal of, or in amendment of the existing rules).

*(b) Conduct Rules (+ in substitution of, addition to, or withdrawal of, or in amendment of the existing rules).

The rules referred to in paragraph (a) have been made by unanimous resolution of the members of the body corporate.

The rules referred to in paragraph (b) have been made by special resolution of the body corporate.

Address:
.....

Trustee.....
.....

Trustee.....

Date.....

- * Particulars not applicable in a particular case must be omitted.
- ** State name of township/suburb and local authority.
- + Particulars not applicable in a particular case must be omitted.

FORM T

Prepared by me

.....
CONVEYANCER

.....
(State surname and initials in block letters)

**CERTIFICATE OF ESTABLISHMENT OF BODY CORPORATE
BY VIRTUE OF THE PROVISIONS OF
SECTION 37 (1) OF THE SECTIONAL TITLES ACT, 2003**

I, Registrar of Deeds at Mbabane hereby certify that a body corporate designated as the Body Corporate of the scheme known as....., No., is deemed to be established with effect from

Signed at on

Seal of Office

.....
Registrar of Deeds

FORM U

The Registrar of Deeds
Mbabane

**NOTIFICATION IN TERMS OF REGULATION 30 (1)
UNDER THE SECTIONAL TITLES ACT, 2003**

We, and, trustees of the Body Corporate of (state name of building or buildings and number of the scheme shown on the sectional plan), hereby give notice that in terms of section 49 of the above-mentioned Act the building or buildings have been damaged or are deemed to have been destroyed as contemplated in section 49 (1) of the Act, on account of (state why building or buildings are damaged or deemed to be destroyed), and that the owners have by unanimous resolution/order of

Court*, been authorised to rebuild and reinstate in whole/or in part, the building or buildings and to transfer the interest of owners of sections which have been wholly or partly destroyed to the other owners.

The following documents are attached:

- (a) A copy of unanimous resolution, certified by us, or
- (b) A copy of Order of Court certified by the Registrar of the Court.

Postal Address:.....

Trustee.....

Trustee.....

Date.....

* Delete that which is not applicable.
Delete (a) or (b)

FORM V

The Registrar of Deeds
Mbabane

NOTIFICATION UNDER SECTION 50 (1) OF THE SECTIONAL TITLES ACT, 2003

We, and, trustees of the
Body Corporate of the scheme known as.....

No, hereby give notice that in terms of section 49 of the Act
the building or buildings are deemed to be destroyed on account of
.....

(state why building or buildings are deemed to be destroyed), and that the owners have by
unanimous resolution resolved not to rebuild the building or buildings.

The following documents are attached:

- (a) A copy of unanimous resolution of the owners that the building or buildings are deemed to be destroyed, as certified by us, * together with the written agreement of the holders of registered sectional mortgage bonds and the persons with registered real rights; or
- *(b) A copy of the Order of the Court that the building or buildings are deemed to be destroyed, certified by the Registrar of the Court; and
- (c) A copy of unanimous resolution of owners not to rebuild, as certified by us.

Postal Address:.....
.....

Trustee.....
.....

Trustee.....

Date

* Delete that which is not applicable.

FORM W

Prepared by me

.....

CONVEYANCER

.....

(State surname and initials in block letters)

**SECTIONAL MORTGAGE BOND HYPOTHECATING *A UNIT/
AN EXCLUSIVE USE AREA/THE RIGHT TO EXTEND A SCHEME OTHER
REGISTERED REAL RIGHTS**

I, the undersigned (hereinafter referred to as the mortgagor), do hereby acknowledge myself to be lawfully indebted and bound to (hereinafter referred to as the mortgagee) in the amount of (in words and figures) and (in words and figures) being the additional amount referred to in the conditions annexed, arising from and being and as security for the above, I hereby bind as a + mortgage, subject to the conditions set out in the annexure to this bond:*

(1) *A unit consisting of:

(a) Section No. as shown and more fully described on Sectional Plan No.SS in the scheme known as in respect of land and building or buildings situate at ++..... of which the floor area, according to the said sectional plan, is..... square metres in extent; and

(b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

Held under //

(2) *An exclusive area described as, No. measuring being as such part of the common property, comprising the land and the scheme known as in respect of the land and building or buildings situate at ++ as shown and more fully described on Sectional Plan No.SS held under *Certificate of Real Right/Notarial Deed of Cession No.SK

(3) *The right to erect and complete from time to time within a period of
for *my/our/its personal account /

on the specified portion of the common property as indicated on the plan (as referred to
in section 26 (2) (a) of the Act) and to divide such building or buildings into a section or sections
and common property and to confer the right of exclusive use over portion of such common
property upon the owner or owners of the one or more sections in respect of the land described as
..... and in the scheme known as in respect of
the land and building or buildings situate at ++ and shown
on Sectional Plan No.SS and held under *Certificate of Real Rights/Notarial
Deed of Cession No.SK

Signed at..... on

Before me

Conveyancer

Registered at Mbabane on

.....

Registrar of Deeds

Seal of Office

* Omit which is not applicable.

+ Insert ranking of bond.

++ State name of township/suburb and local authority.

/ State which right i.e. section 26 (1) (a), (b) or (c).

// State type of section title deed(s) and the number(s) thereof.

FORM X

The Surveyor General
.....

SUBMISSION OF DRAFT SECTIONAL TITLE PLAN IN TERMS OF SECTION 8/22/25/26/27 OF SECTIONAL TITLES ACT, 2003

1. Application is hereby made for the approval of a draft sectional plan prepared in accordance with section 6 of the Sectional Titles Act, 2003, and the following particulars are provided:

1.1 Name of applicant
.....

1.2 Postal address
.....

1.3 Professional Registration No.
.....

1.4 Local authority area
.....

1.5 Name of scheme
.....

1.6 Description of land as reflected on the approved general plan/approved diagram concerned
.....

2. Cheque/postal order/cash in the amount of E is enclosed herewith.

3. The survey records applicable to the determination of the boundaries of the property have been filed in your office under reference number/19/ are herewith enclosed.

4. In support of this application the following documents are submitted:

4.1 The certificate of approval of scheme, together with the copies of the draft sectional plan concerned bearing an approval stamp of the sectional titles regulation board.

4.2 The draft sectional plan comprising sheets, together with one paper copy and two copies on durable drawing material the draft sectional plan concerned for the Registrar of Deeds.

4.3 Field plan/field book.

4.4 Median dimension plan.

4.5 Calculations

4.6 Report.

4.7 Certificate from the land surveyor or architect concerned that the draft sectional plan is identical to that which has been approved by the local authority.

4.8 Certificate from the land surveyor concerned that the scheme is not in conflict with any building line restrictions appearing in the relevant title deed(s).

4.9 A copy of the annexure referred to in section 12(3) (b)

.....

LAND SURVEYOR / ARCHITECT

FORM Y

SPECIMEN OF FIRST SHEET

SECTIONAL PLAN NO.SS OF SHEET 1 SHEETS SG NO.D

Registered at APPROVED
.....

Registrar of Deeds for Surveyor-General

Date Date

NAME OF SCHEME:

DESCRIPTION OF LAND ACCORDING TO*DIAGRAM/GENERAL PLAN:
*DIAGRAM/GENERAL PLAN

No.:

NAME OF LOCAL AUTHORITY:.....

LOCAL AUTHORITY REFERENCE NUMBER:

DESCRIPTION OF BUILDING(S).....
.....
.....
.....

ENCROACHMENTS ON THE LAND: *YES/NO.....

*CAVEAT IN RESPECT OF EXTENSION OF SCHEME:
.....
.....
.....

FORM Z

CERTIFICATE:

I,, hereby certify that I have prepared sheets to inclusive, of this sectional plan from survey in accordance with the provisions of the Sectional Titles Act, 2003 and the regulations promulgated thereunder.]

Date: Signed

*Land Surveyor/Architect

Regulation No. Address.....
.....
.....
.....

SURVEY RECORDS

COMPILATION

GENERAL PLAN:

Explanatory Notes:

- (a) Omit whichever is not applicable where marked with*.
- (b) Separate certificates are required when an architect is also involved and:

FORM AA

SECTIONAL TITLES ACT, 2003

NO PART OF BUILDING(S) LET FOR RESIDENTIAL PURPOSES

AFFIDAVIT

I, the undersigned, do hereby make oath and say that:

1. The developer in the sectional title development scheme known as situate on Erf in..... Township (the "scheme") is

2. I have been duly authorised by resolution of the developer dated (a certified copy of which resolution is annexed hereto) to declare that, in regard to section 5 (3) of the Sectional Titles Act, No.6 of 2003, as amended (the "Act"), the provisions of that section do not apply to the scheme in that no part of the building(s) comprised in the scheme which, after a division of the building(s) will constitute a unit or units therein, has been let wholly or partially for residential purposes.

3. I am able to depose to the correctness of the facts contained in Paragraph 2 above because I personally have made investigations to verify such facts.

.....

Deponent

THUS SIGNED AND SWORN to at on the day of 20....., by the Deponent who acknowledges that he/she knows and understands the contents of this Affidavit.

.....

Commissioner of Oaths

Full names:

Designation:

Address:

FORM BB

SECTIONAL TITLES ACT, 2003.

BUILDING(S) OR PART THEREOF LET FOR RESIDENTIAL PURPOSES

AFFIDAVIT

I, the undersigned do hereby make oath and say that:

1. The Developer in the sectional title development scheme known as situate on Erf in Township (the"scheme") is

2. I have been duly authorised by resolution of the developer dated..... (a certified copy of which resolution is annexed hereto) to declare that, in regard to section 5 (3) of the Sectional Titles Act No. 6 of 2003 as amended (the "Act");

2.1 the provisions of section 5(3) apply to the scheme in that one or more part(s) of the building(s) comprised in the scheme which will constitute a unit or units therein, is or are let wholly or partially for residential purposes;

2.2 the developer has complied fully with all the provisions of section 5 (3), in that:

2.2.1 every lessee of every part of the building(s) which is leased for residential purposes as stated in 2.1 above, was notified in writing of the meeting of lessees held on; a specimen of the notice is attached hereto, marked Appendix A, which has been initialled by me for identification purposes;

2.2.2 the notice referred to in paragraph 2.2.1. above was:

*(a) delivered personally on and a list of lessees with signatures (and dates of such signatures) acknowledging receipt of the said notice is attached hereto, marked Appendix B, which has been initialled by me for identification purposes; OR

*(b) despatched by registered post on and a copy of the acknowledgement of receipt of the registered letters by the post office concerned, is attached hereto, marked Appendix B, which has been initialled by me for identification purposes;

2.2.3 the meeting referred to in paragraph 2.2.1 above was held within the municipal area of at which is situated at a distance of km from the scheme;

2.2.4 the meeting referred to in paragraph 2.2.1 was held on A certified copy of the minutes is attached hereto, marked Appendix C, which has been initialled by me for identification purposes;

2.2.5 of the Developer attended the meeting to provide the lessees with:

- (a) such particulars of the scheme as the lessees may reasonably require from him; and
- (b) the information regarding the lessees' rights as set out in section 11 of the Act; and

2.2.6 in addition to the notice referred to in paragraph 2.2.1 above, the lessees were provided with a certificate containing the prescribed particulars in respect of the relevant building(s) and parts thereof or units therein, and of the scheme. A copy of the certificate is attached hereto, marked Appendix D which has been initialled by me for identification purposes.

3. I am able to depose to the correctness of the facts contained in Paragraph 2 above because I personally have made investigations to verify such facts.

.....

Deponent

THUS SIGNED AND SWORN to at on the day of 20 by the Deponent who acknowledges that he/she knows and understands the contents of this Affidavit.