

(22 November 1985 – to date)

ALIENATION OF LAND ACT 68 OF 1981

Government Notice 1968 in Government Gazette 7789 dated 18 September 1981. Commencement date: 19 October 1982 (excluding section 26) [Proc. No. 148, Gazette No. 8344].

REGULATIONS IN TERMS OF THE PROVISIONS OF SECTIONS 9, 11, 12, 20 AND 31

Government Notice R2205 in Government Gazette 8416 dated 15 October 1982. Commencement date: 19 October 1982.

As amended by:

Government Notice R1208 in Government Gazette 8748 dated 10 June 1983. Commencement date: 10 June 1983.

Government Notice R2230 in Government Gazette 8919 dated 7 October 1983. Commencement date: 7 October 1983.

Government Notice R243 in Government Gazette 9065 dated 17 February 1984. Commencement date: 17 February 1984.

Government Notice R1626 in Government Gazette 9346 dated 3 August 1984. Commencement date: 3 August 1984.

Government Notice R2482 in Government Gazette 9499 dated 16 November 1984. Commencement date: 16 November 1984.

Government Notice R2596 in Government Gazette 10015 dated 22 November 1985. Commencement date: 22 November 1985.

1. The Minister of Industries, Commerce and Tourism has, in terms of the provisions of section 9, 11, 12, 20 and 31 of the Alienation of Land Act, 1981 (Act 68 of 1981), and after consultation with the Minister of Community Development in respect of the provisions of the said section 20 and the Minister of Finance, in respect of the provisions of the said section 9 and 12, promulgated the regulations contained in the Schedule hereto.
2. This notice comes into operation on 19 October 1982.

SCHEDULE

Prepared by:

1. In these regulations, any word or expression defined in the Alienation of Land Act, 1981 (Act 68 of 1981), bears the meaning so assigned to it, and unless the context otherwise indicates –

“conveyancer” means a conveyancer as defined in the Deeds Registries Act, 1937 (Act 47 of 1937);

“the Act” means the Alienation of Land Act, 1981 (Act 68 of 1981.)

2. A purchaser or remote purchaser making any payment to a mortgagee or alienator in terms of section 11(1)(a) of the Act in respect of land sold to such purchaser or remote purchaser, shall –

(a) subject to the provisions of paragraph (b), furnish the person to whom payment is made, with a notice containing the following:

(i) The name and address of the registered owner of the land or intermediary on behalf of whom payment is made;

(ii) whether such payment is made in accordance with the provisions of section 11(1)(a)(i) or 11(1)(a)(ii), alternatively whether such payment is made in the circumstances contemplated in section 11(1)(a)(iii);

(iii) the amount of the payment concerned;

(iv) the full name and postal address of the purchaser or remote purchaser making such payment;

(b) within a period of seven days from the date on which such payment is made, hand the notice referred to in (a) to such mortgagee or alienator, or send it to the mortgagee or alienator concerned by registered post to the address or certificates furnished by the mortgagee or alienator in terms of the provisions of section 7, 8, 9(3) or 10(1) of the Act.

3. The application by a seller or a purchaser to record a contract in terms of section 20(1)(a) or (c) of the Act shall be embodied in an affidavit substantially in the form prescribed by form A. Such application shall bear an endorsement signed by a practising conveyancer that it was prepared by him and any alteration or interlineation effected thereto shall be initialled by the preparing conveyancer, the applicant and the Commissioner of Oaths before whom it is signed.
4. An application for the recording of a contract or the cancellation of such recording shall be accompanied by the owner's copy of the relevant title deed.
5. The registrar shall record a contract in terms of section 20(2)(a) of the Act by means of an endorsement on the deeds registry copy as well as the owner's copy of the title deed concerned substantially in the form as prescribed by form B and shall disclose the date of recording in the

endorsement and shall furthermore endorse the fact that the contract has been recorded on the relevant application by signing the recording clause prescribed by form A and disclose the date of recording in such clause.

6. The application by an owner or seller to cancel the recording of a contract in terms of section 20(2)(c) of the Act, shall be an affidavit substantially in the form prescribed by form C. Such application shall bear an endorsement signed by a practising conveyancer in which it is stated that it was prepared by him and any alteration or interlineation effected thereto, shall be initialled by the preparing conveyancer, the applicant and the Commissioner of Oaths before whom it is signed.
 7. The recording of a contract shall be cancelled by the registrar in terms of section 20(2)(c) of the Act by means of such an endorsement on the deeds registry as well as the owner's copy of the title deed as he may deem appropriate.
 8. A conveyancer may, in respect of all acts performed by him in regard to the recording of a contract and in regard to the cancellation of such a recording, charge the following fees:
 - (a) For perusing deed of alienation, attendances on signature by both parties, correspondence, the obtaining of all the necessary endorsements from the office of the Master of the Supreme Court and attendances at the Deeds Office recording the contract, the amount set out in column B of Annexure A;
 - (b) for verifying that the contract has been legally cancelled, preparing application, attendances on signature by both parties where applicable, correspondence, the obtaining of all the necessary endorsements from the office of the Master of the Supreme Court and attendances at the Deeds Office cancelling the recording –
 - (i) if the contract is cancelled by mutual agreement, R67;
 - (ii) if the contract is cancelled for any other reason, the amount set out in column B of Annexure A.
 9. The maximum interest rate for purposes of section 12(1) of this Act in regard to an outstanding balance in terms of a contract shall be an interest rate equal to the maximum interest rate levied by any building society registered in terms of the Building Societies Act, 1965 (Act 24 of 1965), for a corresponding outstanding balance owing in terms of a mortgage bond.
- (Regulation 9 substituted by regulation 1 of Government Notice R2596 in Government Gazette 10015 dated 22 November 1985)*
10. A request for a certificate referred to in section 9(5) of the Act, shall be accompanied by an amount of R25.

ANNEXURE A

<i>Column A</i>	<i>Column B</i>
<i>Purchase price of property as reflected in deed of alienation</i>	<i>Tariff</i>
	R
R10 000 or less.....	67
Over R10 000 up to and including R20 000.....	107
Over R20 000 up to and including R30 000.....	160
Over R30 000 up to and including R40 000.....	200
Over R40 000 up to and including R50 000.....	227
Over R50 000 up to and including R60 000.....	253
Over R60 000 up to and including R70 000.....	267
Over R70 000 up to and including R80 000.....	287
Over R80 000 up to and including R90 000.....	300
Over R90 000 up to and including R100 000	313
Over R100 000.....	347

ANNEXURE B

(Annexure B substituted by Government Notice R1208 in Government Gazette 8748 dated 10 June 1983)

(Annexure B substituted by Government Notice R2230 in Government Gazette 8919 dated 7 October 1983)

(Annexure B substituted by Government Notice R243 in Government Gazette 9065 dated 17 February 1984)

(Annexure B substituted by Government Notice R1626 in Government Gazette 9346 dated 3 August 1984)

(Annexure B substituted by Government Notice R2482 in Government Gazette 9499 dated 16 November 1984)

(Annexure B repealed by implication by regulation 2 of Government Notice R2596 in Government Gazette 10015 dated 22 November 1985)

FORM A

APPLICATION TO RECORD A CONTRACT IN TERMS OF SECTION 20 OF THE ALIENATION OF LAND ACT, 1981 (ACT 68 OF 1981)

Prepared by me

.....

CONVEYANCER

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

Prepared by:



I, (disclose his full name and identity number or date of birth) being the seller/purchaser do hereby make oath and say that the hereinafter mentioned land/unit was sold in terms of a contract as defined in the Alienation of Land Act, 1981 (Act 68 of 1981), to the hereinafter mentioned purchaser/me on (disclose the date of sale)

and

I do hereby make application to the Registrar of Deeds at to record the contract against the title deed of the land/unit in terms of section 20 of the Act

and

I do hereby confirm that to the best of my knowledge there is no prior contract in force that is required to be recorded against the title deed in question.

PARTICULARS OF LAND/UNIT AND PURCHASER

- (i) Registered owner (disclose the name of the registered owner and his identity number/date of birth according to the title deed).
- (ii) Description of the land/unit (disclose the description of the land/unit according to the title deed/general plan or subdivisional diagram).
- (iii) Extent.....(disclose the extent of the land or the floor area of the sectional title section according to the title deed/general plan or subdivisional diagram).
- (iv) Title Deed No(disclose the title deed number including the year and date).
- (v) Purchaser..... . (disclose his full name and identity number or date of birth).

Signed at on

.....
Seller/Purchaser

I certify that the deponent
.....

.....
Commissioner of Oaths

Prepared by:

Contract recorded on (disclose date)

by the Registrar of Deeds at

.....
Registrar of Deeds

Footnote:

1. Use whichever alternative may be applicable.
2. Comply with the relevant regulations relating to sworn declarations.
3. If the seller and purchaser make a joint application, the necessary adaptations must be made.
4. If section 20(1)(a)(ii) of the Act is applicable, the date upon which the land becomes registrable should be stated immediately after the date of sale.

FORM B

ENDORSEMENT OF TITLE DEED IN TERMS OF SECTION 20 (2) (a) OF THE ALIENATION OF LAND
ACT, 1981 (ACT 68 OF 1981)

The land/unit held under this deed has been sold in terms of a contract as defined in the Alienation of Land Act, 1981 (Act 68 of 1981), to
(disclose the full name of the purchaser and his identity number or date of birth) and the provisions of section 20 (2) (d) and (e) of the Act apply to further dealings with the land/unit. Application filed with

.....
Registrar of Deeds
(Disclose date of signature)

Footnote: Should the land not yet be registered as a separate entity its description according to the relevant general plan or subdivisional diagram shall be disclosed and in the event of more than one property being held under the title deed, the description of the land and the relevant paragraph of the title deed by which it is held shall be disclosed.

FORM C

APPLICATION TO RECORD THE CANCELLATION OF A CONTRACT IN TERMS OF SECTION 20 (2) (c)
OF THE ALIENATION OF LAND ACT, 1981 (ACT 68 OF 1981)

Prepared by me

Prepared by:



.....

CONVEYANCER

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

I (disclose the full name and identity number or date of birth of the owner/seller) do hereby make oath and say:

1. I am the owner/seller of the hereinafter mentioned land/unit which was sold in terms of a contract as defined in the Alienation of Land Act, 1981 (Act 68 of 1981), to
.....
(disclose the full name of the purchaser and his identity number or date of birth).
2. The contract for the sale of the land/unit has been terminated
.....
(state reason for termination).
3. I have complied with the provisions of section 19 of the Act (omit if not applicable);

and

I do hereby make application to the Registrar of Deeds at
for the cancellation of the endorsement dated
recording the aforesaid contract against the hereinafter mentioned title deed.

PARTICULARS OF LAND/UNIT AND PURCHASER

- (i) Registered owner (disclose the name of the registered owner and his identity number or date of birth according to the title deed).
- (ii) Description of the land/unit
.....
(disclose the description of the land/unit according to the title deed/general plan or subdivisional diagram).
- (iii) Extent.....
(disclose the extent of the land or the floor area of the sectional title section according to the title deed/general plan or subdivisional diagram).
- (iv) Title Deed No(disclose the title deed number including the year and date).

Prepared by:

(v) Purchaser
(disclose his full name and identity number or date of birth).

Signed at on

.....
Owner/Seller

I certify that the deponent
.....

.....
Commissioner of Oaths

Footnote:

1. Use whichever alternative may be applicable.
2. Comply with the relevant regulations relating to sworn declarations.