

(31 August 1990 – to date)

## HOUSING DEVELOPMENT SCHEMES FOR RETIRED PERSONS ACT 65 OF 1988

*(Government Notice 1262 in Government Gazette 11373 dated 29 June 1988. Commencement date: 1 July 1989 [Proc. No. 72, Gazette No. 11904 dated 2 June 1989])*

### REGULATIONS IN TERMS OF SECTION 11(1)(i)

*Government Notice R2092 in Government Gazette 12717 dated 31 August 1990. Commencement date: 31 August 1990.*

The Deputy Minister of Trade and Industry and of National Education, acting on behalf of the Minister of Trade and Industry and Tourism has, in terms of section 11(1)(i) of the Housing Development Schemes for Retired Persons Act, 1988 (Act No. 65 of 1988), promulgated the regulations contained in the Schedule.

### TABLE OF CONTENTS

- 1.
  - 2.
  - 3.
- Form A.

### SCHEDULE

1.
  - (i) Any application in regard to the endorsement of a title deed in terms of section 4C(3) of the Act shall be prepared by a practising attorney (who does not necessarily have to practise in the province where the land is situated), notary public or conveyancer, essentially in the form of Form A annexed to these regulation[sic].
  - (ii) Any essential change or interlineation in such application shall be initialled by the attorney, notary public or conveyancer who prepared such application.
  - (iii) The provisions of subregulation (i) shall not prohibit an attorney, notary public or conveyancer, who is employed by the State, from preparing, in the course of his duties, any document[sic] mentioned therein, which is necessary for the performance of any function which has to be executed by the department wherein he is employed.
  - (iv) If a certificate mentioned in subregulation (i) is signed by an attorney or notary public, the fact that the signatory is a practising attorney or notary public, shall be confirmed by a practising conveyancer, who shall co-sign the certificate by the affixing of the following certificate thereto:

Prepared by:

Co-signed by me

.....

CONVEYANCER

.....

(Surname and initials to be provided in capital letters)

2. The person who signs the drafting certificate as prescribed by regulation 1, shall assume responsibility for the correctness of the under-mentioned facts as mentioned in the said application or which are relevant in regard to the application, namely:
- (a) in the case of an application as mentioned in regulation 1(i) which is signed by a person in his capacity as an executor, trustee, guardian, curator, liquidator or judicial manager, that, from investigation of documents which have been presented to him as confirmation of such appointment, he is satisfied that such person has indeed been appointed in that capacity;
  - (b) that, to the best of his knowledge and belief and after having duly made enquiries –
    - (i)
      - (aa) the names, identity number or date of birth and marital status of a natural person who makes the application, and in the case of any other person or a trust making application, the name and registration number (if such number exists), of such a person or trust, are correctly stated in that application,
      - (bb) in the case where a woman who is married out of community of property, or a woman whose marriage is determined by the law of another country, is not assisted by her husband in the signing of an application, the marital power is excluded;
      - (cc) the necessary authority has been obtained for the signing of such application in a representative capacity on behalf of a company, church, society, association or other body of persons or a institution making application;
      - (dd) the application is authorised and in accordance with the constitution, regulation or charter, as the case may be, of any church, society, close corporation, association, or other body of persons, or other institution excluding a company, except a shareblocks company as defined in the Share Blocks Control Act, 1980 (Act No. 59 of 1980), or the deed of a trust as the case may be; and

- (ee) that a trustee who signs an application, is acting in accordance with the powers granted to him by the relevant deed of trust or will, and that any required security has been lodged with the Master of the Supreme Court.

3.

- (i) The fees payable for the preparation of an application for an endorsement in terms of section 4C(3) of the Act including the registration of such endorsement, shall be the sum of R145 which shall include all attendances with regard to documents and other proof required in terms of regulation 2: Provided that if more than one property is to be endorsed in respect of the same scheme, an additional fee of R40 for each additional property shall be allowed.
- (ii) The fees payable for the preparation of any consent by any bondholder or owner in terms of section 4C(1) of the Act shall be R100: Provided that, if there is more than one bond, an additional fee of R40 for the second and each subsequent bond may be charged where this document is drawn by the same conveyancer who drew the consent required in connection with the first bond between the same parties over the same property.

#### FORM A

Prepared by me

.....

ATTORNEY/CONVEYANCER/NOTARY PUBLIC

(Surname and initials to be provided in capital letters)

#### APPLICATION IN ERMS[sic] OF SECTION 4C(3) OF THE HOUSING DEVELOPMENT SCHEMES FOR RETIRED PERSONS ACT, 1988 (ACT No. 65 OF 1988)

I....., the developer of a housing development scheme at.....

.....

(give full details of the land which is the subject of the development scheme) hereby apply for the endorsement of.....

.....

(indicate whether it is a deed of grant, deed of transfer or certificate of title) .....

.....

(furnish the sequence number followed by a slash mark and the year number), in terms of the above-mentioned section.

SIGNED AT.....ON.....

Prepared by:

WITNESSES:

1 .....

.....

DEVELOPER

2 .....