



GOVERNMENT GAZETTE

OF THE

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Government Notice

MINISTRY OF LANDS, RESETTLEMENT AND REHABILITATION

No. 36

2004

AMENDMENT OF THE DEEDS REGISTRIES REGULATIONS

The deeds registries regulations board has under section 10 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), made the regulations as set out in the Schedule, which regulations have been approved by the Minister.

SCHEDULE

1. In these regulations “the Regulations” means the Deeds Registries Regulations promulgated under Government Notice No. 180 of 1 July 1996.

2. Regulation 3 of the Regulations is amended by the substitution for the words “First Schedule to the Redefinition of Magisterial Districts Proclamation, 1950 (Proclamation 15 of 1950)” of the words “Schedule to Government Notice No. 23 of 17 February 1994”.

3. Regulation 4 of the Regulations is amended by the deletion of the word “section”.

4. Regulation 8 of the Regulations is amended -

(a) by the substitution in paragraph (a) of subregulation (1) for the word “names” of the words “full names, marital status”; and

- (b) by the substitution for subregulation (2) of the following subregulation:

“(2) The Registrar shall cause the particulars obtained in respect of a person by virtue of subregulation (1)(a) or (b) to be recorded in the relevant registers of the deeds registry.”.

5. Regulation 10 of the Regulations is amended by the substitution in paragraph (a) of subregulation (4) for the word “Ink” of the words “Black ink”.

6. The following regulation is substituted for regulation 16 of the Regulations:

“16. Every deed of title to land for which no form is prescribed, and every deed of title to land for which a form is prescribed wherein provision is made for the inclusion of an extending clause in conformity with these regulations, shall immediately after the description of the property contain an extending clause substantially in the form set out in Form DD or EE in Annexure III to these regulations, whichever may be applicable.”.

7. The following regulation is substituted for regulation 18 of the Regulations:

“18. (1) The following particulars shall be furnished in a deed where land is described:

- (a) The name of the registration division and region in which such land is situated, and, in the case of land situated in a township, the name of such township and the name of the municipality, town, village or settlement in which such land is situated; and

- (b) the registered number, if any of such land.

(2) In describing land no reference shall be made in a deed conferring title to land, or in a mortgage bond, to any building or other property, movable or immovable, which may be on or attached to the land.

(3) When the description of the situation of land in an existing deed is defective or insufficient and it is desired in connection with a further transfer of such land to amend the same, the registrar may, subject to the production of a certificate by the Surveyor-General if the registrar regards it necessary, permit such amendment to be made.

(4) The description of the boundaries of land given in a diagram need not be repeated in the relevant deed, but such deed shall contain a reference to such diagram.”.

8. Regulation 26 of the Regulations is amended -

- (a) by the deletion of subregulation (2); and

- (b) by the substitution for subregulation (5) of the following subregulation:

“(5) (a) Conditions shall be in the official language and shall, subject to paragraph (b), be embodied in a title deed immediately after the extending clause contained in such title deed.

(b) Only in circumstances determined by the registrar as exceptional, may conditions be embodied in an annexure to a title deed.”.

9. Regulation 27 is repealed.

10. The following regulation is substituted for regulation 33 of the Regulations:

“33. (1) Subject to the provisions of subregulation (3), any power of attorney, application, or consent required for the performance of an act of registration in the deeds registry and any agreement of partition referred to in section 26 of the Act executed and tendered for registration or filing of record in the deeds registry, shall be prepared by a practising legal practitioner, notary public or conveyancer, who shall make and sign a certificate in the undermentioned form in the upper right hand corner of the first page of the applicable document:

Prepared by me

.....
LEGAL PRACTITIONER/NOTARY PUBLIC/CONVEYANCER*

(*Delete whichever is not applicable)

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

(2) Any material alteration or interlineation in any power of attorney, application, consent, or agreement of partition referred to in subregulation (1) shall be initialled by the legal practitioner, notary public or conveyancer who prepared such document.

(3) When a certificate referred to in subregulation (1) is signed by a legal practitioner, the fact that the signatory is a practising legal practitioner shall be confirmed by a practising 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)

(4) Notwithstanding the provisions of this regulation, a legal practitioner, notary public or conveyancer in the employment of a ministry or office of the Public Service may prepare, in the course of his or her employment in such ministry or office, any document referred to in this regulation that is required for the performance of any function in such ministry or office.”.

11. Regulation 35 of the Regulations is amended -

- (a) by the substitution in subregulation (3) for the word “four” of the word “five”; and
- (b) by the substitution in subregulation (5) for the word “four” of the word “five”.

12. Regulation 37 of the Regulations is amended -

- (a) by the substitution for paragraph (b) of subregulation (1) of the following paragraph:
 - “(b) where the property or bond was bequeathed to a survivor, a copy of the will, codicil or other testamentary document accepted and certified by the Master;”;

- (b) by the substitution in paragraph (e) of subregulation (1) for the word “Master”, where it occurs for the second time, of the word “conveyancer”.

13. Regulation 39 of the Regulations is amended -

- (a) by the insertion after subregulation (2) of the following subregulation:

“(2A) Notwithstanding the provisions of subregulation (2), where all the property held under a title deed is to be transferred or ceded to the State and endorsements as contemplated in section 16 of the Act are to be made on such title deed, it shall be necessary to produce the title deed of such property or a certified copy in lieu thereof.”; and

- (b) by the deletion of subregulation (3).

14. Regulation 40 of the Regulations is amended by the deletion in subregulation (1) of the words “rights to mining areas” where it occurs two times.

15. The following heading is inserted after regulation 50 of the Regulations:

“Copies of deeds and other documents”.

16. Regulation 53 of the Regulations is amended -

- (a) by the insertion in subregulation (1) after the word “may” of the words “subject to this regulation”;

- (b) by the insertion after subregulation (3) of the following subregulation:

“(3A) (a) If the rights held under a deed referred to in subregulation (1) are attached then the application and affidavit referred to in that subregulation may be made by the sheriff concerned.

(b) If such sheriff is unable to definitely establish the cause of the loss or destruction of the deed in such affidavit the registrar may nevertheless, upon being satisfied that all the necessary steps have been taken to recover the deed and upon compliance with the requirements of this regulation, issue a copy of the deed.”;

- (c) by the insertion in subregulation (4) after the word “for” of the words “,upon payment of the applicable fee prescribed in Annexure I to these regulations,”; and

- (d) by the insertion after subregulation (4) of the following subregulation:

“(4A) Notwithstanding the provisions of subregulation (4), where the registrar is satisfied upon evidence presented in terms of this regulation that the deed or bond in question has inadvertently been lost, destroyed or damaged, he or she may, free of charge, issue the certified copy referred to in that subregulation.”.

17. Regulation 59 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

“(2) Where access to the strong rooms in the deeds registry is permitted, legal practitioners, notaries public, conveyancers, surveyors, sheriffs, or messengers of magistrates’ courts may inspect the records and registers in the deeds registry and, subject to the provisions of section 7 of the Act, obtain, upon payment of the applicable fee (if any) prescribed in Annexure I to these regulations, copies of

such records and extracts from such registers, but other members of the public may only do so under the supervision of a staff member of the deeds registry designated for that purpose by the registrar.”.

18. Regulation 63 is repealed.

19. The following Annexures are substituted for Annexure I and II to the Regulations:

**“ANNEXURE I
SCHEDULE OF FEES OF OFFICE
(Regulation 64)**

	Fee
1. For the issue of a certificate compiled by the registrar from information contained in the registers or records preserved in the deeds registry, per certificate	N\$ 25
2. For the preparation and submission of a report to the court under section 97 of the Act, per report	N\$ 250
3. For a certified copy of -	
(a) a deed or bond registered or preserved in the deeds registry and issued in terms of regulation 51 or 52, per deed or bond	N\$ 30
(b) a deed registered or preserved in the deeds registry and issued in terms of regulation 53, per deed	N\$ 225
(c) a document registered or preserved in the deeds registry and issued in terms of regulation 54, per page	N\$ 4
4. (a) For an enquiry relating to a person, property or deed, per enquiry ...	N\$ 6
(b) For transmission by facsimile of copies or for a photocopy or computer printout of the relevant information requested in respect of a person, property or deed, per page	N\$ 6
(c) For the inspection of any one deed or document or page of a register preserved in the deeds registry, per deed, document or page of a register	N\$ 6
(d) For any other enquiry, search or inspection pertaining to information preserved in the deeds registry, per hour or part thereof	N\$ 20
5. (a) For the registration of a deed of transfer	N\$ 300
(b) For the registration of a bond	N\$ 300
(c) For the registration of -	
(i) a certificate of registered title or consolidated title;	
(ii) a deed of cession referred to in section 32 of the Act;	
(iii) a lease, sublease or cession of a lease;	
(iv) a general power of attorney;	
(v) a general plan and opening of a township register,	
per any such registration	N\$ 95

(d) For work related to a transfer by endorsement, except such a transfer in terms of the second proviso to section 16 of the Act	N\$ 95
6. For furnishing to a local authority council or a regional council a return containing particulars of properties transferred, per property contained in such return	N\$ 6
7. For taxation of fees or charges of conveyancers, notaries public or of other legal practitioners: 5% of the fees or charges allowed, excluding transfer duties, stamp duties and fees of office charged in relation to any act, matter or thing done in the deeds registry.	

ANNEXURE II
TARIFF OF CONVEYANCING AND NOTARIAL FEES
(Regulation 65)

PART I
GENERAL PROVISIONS

1. The fees specified in this Tariff shall include fees in respect of the following functions performed by a conveyancer, notary public or other legal practitioner: The taking and giving of instructions; the exchange of correspondence; the perusal of completed deeds of sale, trust instruments and memoranda and articles of association; the preparation or obtaining of the necessary powers of attorney, declarations, affidavits, resolutions, company certificates, exchange control certificates or other preliminary and ancillary documents and the procurement of the required signatures on any such document; the payment of the transfer duty and rates levied by the relevant authorities; the obtaining of the necessary clearance and other certificates from the relevant authorities; the obtaining (except where otherwise provided in this Tariff) of copies of, or endorsements on, documents from the office of the Master or from any other relevant public office; the making of the necessary financial arrangements, inclusive of attending to guarantees and the payment thereof; the preparation of the necessary documents for execution or registration at the deeds registry and, where necessary, the arrangement with other conveyancers for simultaneous lodgement and registration; the furnishing of references required by the deeds registry for examination purposes; and all attendances at the deeds registry, but shall not include -
 - (a) any attendance in connection with the preparation and execution of deeds of sale, deeds of donation, deeds of exchange, preliminary partition agreements, deeds of suretyship, acknowledgements of debts, or documents of a similar nature;
 - (b) any separate act of registration of any other document which may be necessary or in connection with such act of registration;
 - (c) 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 paragraph (a) or from whatever cause;
 - (d) any attendance arising from negotiations between the parties resulting in a further agreement or an addendum or other amendment to an existing agreement;
 - (e) any consultation for the purpose of preparing an antenuptial contract;

- (f) any attendance in connection with the opening of a township register in terms of section 46 of the Act; or
 - (g) any attendance in connection with the preparation and obtaining of documents relating to collateral security required by a mortgagee.
2. Where the work necessary to perform any act under the Act or these regulations is partly performed by one legal practitioner, conveyancer, or notary public (hereinafter called the instructed legal practitioner) on the instructions received from another legal practitioner, conveyancer, or notary public (hereinafter called the instructing legal practitioner), both the instructed legal practitioner and instructing legal practitioner shall be entitled to a fee, apportioned as set out in the relevant part in this Tariff.
3. Where this Tariff provides for a specific or proportionate fee for lodgement, such fee shall mean the fee payable by the instructing legal practitioner to the instructed legal practitioner for all attendances and correspondence in connection with the lodgement and, where necessary, the registration of any document, and for the furnishing of the necessary references in connection with such lodgement and registration, and shall be payable out of the total fee.
4. For the purposes of this Tariff -
- (a) “folio” means 100 printed or written words or figures or part thereof, and four figures shall be considered to be one word;
 - (b) “final work” means the preparation of a document for execution or registration at the deeds registry and, where relevant, the obtaining of the registration of such document; the arrangement for simultaneous lodgement with another conveyancer or conveyancers, where necessary; the furnishing to the deeds registry of all the references required for examination purposes; and all attendances at the deeds registry and all correspondence that are related to the registration of a document, but shall not include any separate act of registration of any other document which may be necessary before or in connection with the first mentioned act of registration or for which special provision is made in this Tariff;
 - (c) “preliminary work” means the taking and giving of instructions; the preparation or obtaining of the necessary powers of attorney; declarations, affidavits, resolutions or other preliminary and ancillary documents such as extracts from a company’s memorandum or articles of association, and the procurement of the required signatures on any such document; the payment of the transfer duty and rates levied by relevant authorities; the obtaining of the necessary clearance and other certificates from the relevant authorities; the obtaining (except where otherwise provided in this Tariff) of copies of, or endorsements on, documents from the office of the Master or from any other public office; the making of all financial arrangements, inclusive of attending to guarantees and the payment thereof and to all relevant correspondence, but shall not include any attendances in connection with the preparation and execution of general powers of attorney, deeds of sale, deeds of exchange, preliminary partition agreements, preliminary agreements with regard to any lease, servitude, or donation and documents of a similar nature and documents for which a special fee is provided for in this Tariff;
 - (d) “value of property” -
 - (i) where transfer duty is payable, means the purchase price of the property or the amount on which transfer duty is payable, whichever amount is the higher;

- (ii) where no transfer duty is payable in terms of section 9(2) of the Transfer Duty Act, 1993 (Act No. 14 of 1993), means the purchase price of the property or the declared value as determined under that Act, whichever amount is the higher;
- (iii) where no transfer duty is payable in terms of any provision of section 9 of the Transfer Duty Act, 1993, other than subsection (2) thereof, but an official valuation from a regional, village, town or municipal council or from the Master is available, means such valuation or the consideration paid for such property, whichever amount is the higher: Provided that where no official valuation is available, it shall be deemed to be the fair value of the property as defined in section 1 of the Transfer Duty Act, 1993; or
- (iv) where no consideration is payable and no regional, village, town or municipal council or other official valuation is available, shall be deemed to be no less than N\$20 000.

PART II

CONVEYANCING AND NOTARIAL FEES

Conveyance of ownership of immovable property (other than partition, rectification or exchange transfers)	Fee
(a) For work in connection with the obtaining of conveyance of ownership of immovable property in any manner not specifically mentioned elsewhere in this Tariff, the fee shall be as set out in Column B of Schedule I to these regulations: Provided that in the case of conveyance in terms of the second proviso to section 16 or in terms of section 31, 45 or 45bis (bonds excluded) of the Act, and in the case of property transactions where the value of the property is N\$100 000 or less, and in respect of which a certificate is issued by the appropriate governmental or other institution to the effect that the property in question is of a low cost housing nature, the fee shall be 60% of the amount set out in Column B of the said Schedule I.	
(b) For more than one property included in the same instrument of conveyance and in respect of which the same title conditions apply, for each additional property an additional fee of	N\$ 100:
Provided that in cases where the title conditions differ a further additional fee of N\$100 per folio of the conditions shall be payable.	
(c) Apportionment of the fees set out in paragraphs (a) and (b):	
(i) For conveyance by means of a deed of transfer the following percentage of the applicable fee shall be payable on completion -	
(aa) of the preliminary work	66,67%
(bb) of the final work	33,33%
(ii) For conveyance in terms of the second proviso to section 16 or in terms of section 31, 45 or 45bis of the Act, 20% of the applicable fee shall be payable on lodgement, but not less than a fee of	N\$ 80

Endorsement of title deeds or bonds in terms of section 24bis (2) or 25(3) of the Act or in terms of the Administration of Estates Act, 1965 (Act No. 66 of 1965)		Fee
(a)	For work in connection with the obtaining of an endorsement on a title deed or bond in terms of section 24bis (2) or 25(3) of the Act or in terms of the Administration of Estates Act, 1965 (Act No. 66 of 1965), inclusive of the preparation of the necessary documents, the obtaining of the necessary ancillary documents, consents and certificates from the Master and the registrar and of relevant attendances and correspondence	NS\$ 500
(b)	For more than one property or bond included in the same application for endorsement, for each additional property or bond an additional fee of	NS\$ 75
(c)	Apportionment of the fees set out in paragraphs (a) and (b): The following amount of the applicable fee shall be payable on lodgement	NS\$ 175
Partition, rectification and exchange transfers		Fee
(a)	For preparing a deed of partition, rectification or exchange transfer and obtaining registration thereof, inclusive of all preliminary and other work in connection therewith, but excluding any attendance in connection with the framing of any provisional agreement:	
	(i) Where the value can be determined, the fee shall be as set out in Column B of Schedule I to these regulations;	
	(ii) where the value cannot be determined, a fee of	NS\$2 000
(b)	For each additional property or subdivision transferred in any one deed, an additional fee of	NS\$ 100
(c)	Apportionment of the fees set out in paragraphs (a) and (b): The following percentage of the applicable fee shall be payable on completion of -	
	(i) the preliminary work	50%
	(ii) the final work	50%
Certificates of title or substituted title		Fee
(a)	(i) For work in connection with the obtaining of a certificate of title under section 18, 34, 35, 36, 38, 39, 43, 46 or 64 of the Act or a certificate of substituted title under the provisions of the Deeds Registries Proclamation, 1920 (Proclamation No. 8 of 1920)	NS\$ 750:
	Provided that in cases where the registration of any of the said certificates results in the subdivision of a property, the fee shall be ...	NS\$1 250
	(ii) For all matters falling under this paragraph, for each additional property an additional fee of	NS\$ 75
(b)	(i) For work in connection with the obtaining of a certificate of consolidated title under section 40 or certificate of uniform title under section 42 of the Act	NS\$1 250
	(ii) For every additional constituent property after the first two properties, an additional fee of	NS\$ 75
(c)	Apportionment of the fees set out in paragraphs (a) and (b): The following percentage of the applicable fee shall be payable on completion -	

(i) of the preliminary work	33,33%
(ii) of the final work	66,67%
Mortgage and collateral bonds	Fee
(a) For mortgage bonds, including surety mortgage bonds, the fee shall be as set out in Column B of Schedule II to these regulations: Provided that for all bonds where the amount is N\$100 000 or less and a certificate is issued by the appropriate governmental or other institution to the effect that the property in question is of a low cost housing nature, the fee shall be 60% of the amount set out in Column B of the said Schedule II. Note: For purposes of determining the fee to be charged under this paragraph, the amount of the bond on which stamp duty is being levied shall be used, and in the event of a bond exempted from stamp duty, the amount on which stamp duty would have been levied had the bond in question not been exempted shall be used.	
(b) For collateral bonds, being mortgage bonds passed as additional security for another bond, the fee shall be 50% of the fee as set out in Column B of Schedule II to these regulations.	
(c) For any waiver in terms of regulation 30(6) when included in a bond, an additional fee of	N\$ 350
(d) For more than one property included in any bond referred to in paragraph (a) or (b), for each additional property an additional fee of	N\$ 75
(e) Apportionment of the fees set out in paragraphs (a) to (d): The following percentage of the applicable fee shall be payable on completion -	
(i) of the preliminary work	66,67%
(ii) of the final work	33,33%
Notarial bonds	Fee
(a) For notarial bonds, inclusive of surety notarial bonds, securing -	
(i) an amount up to and including N\$500 000, a basic fee of	N\$ 500
(ii) an amount over N\$500 000, a basic fee of	N\$ 700
plus the relevant amount as set out in Column B of Schedule II to these regulations. Note: For purposes of determining the fee to be charged under paragraph (a), the amount of the bond on which stamp duty is being levied shall be used, and, in the event of a bond exempted from stamp duty, the amount on which stamp duty would have been levied had the bond in question not been exempted shall be used.	
(b) The fee for collateral notarial bonds passed as additional security for a mortgage bond or another notarial bond between the same parties, shall be 50% of the fee set out in Column B of Schedule II to these regulations.	
(c) Apportionment of the fees set out in paragraphs (a) and (b): The following percentage or amount of the applicable fee shall be payable -	

(i) on completion of the preliminary work	50%
(ii) on completion of the final work	50%
(iii) where the instructing notary public prepares and attests the deed, on lodgement	N\$ 300
Antenuptial contracts	Fee
(a) For preparing an antenuptial contract and the necessary copies in respect thereof and attending to relevant correspondence and to the execution, notarial attestation and registration of the contract	N\$ 400
<p>Note: This fee does not include any consultations for the purpose of the drafting of the antenuptial contract.</p>	
(b) Apportionment of the fees set out in paragraph (a): The following percentage or amount of the applicable fee shall be payable on completion -	
(i) of the preliminary work	50%
(ii) of the final work	50%
(iii) where instructing notary public prepares and executes the contract, on lodgement	N\$ 150
Other notarial deeds	Fee
(a) For preparing any notarial waiver of preference by mortgagee, usufructuary, or other holder of a limited interest, or other notarial consent required under the Act to these regulations and obtaining registration thereof	N\$ 750
(b) For preparing any notarial lease, servitude, donation, or other notarial deed (other than those elsewhere provided for in this Tariff) and obtaining registration thereof, a fee assessed according to the length and complexity thereof.....	
(c) Apportionment of the fees set out in paragraphs (a) and (b): The following percentage or amount of the applicable fee shall be payable -	
(i) on completion of the preliminary work	50%
(ii) on completion of the final work	50%
(ii) where the instructing notary prepares and executes the deed, on lodgement	N\$ 150
Cancellation, cession or variation of bonds, release of persons or property from bonds and waiver of preference in regard to ranking of bonds	Fee
(a) (i) For preparing a consent to the cancellation of a bond, a consent to the cancellation of a cession of a bond, a release of a property or a person from a bond, a consent to reduction of cover, a consent to a part payment of capital, a waiver of preference in regard to the ranking of a bond, a waiver of preference in respect of real rights in land, or a consent of a mortgagee, usufructuary, lessee, or holder of other limited interest required by the Act or these regulations and not otherwise provided for in this Tariff (not notarial), inclusive of attending to relevant instructions and correspondence, and of attendances at the office of the Master, and of any attendance at the deeds registry to obtain registration of the relevant document	N\$ 600:

	Provided that in any such cases where there are no financial arrangements to be made by the conveyancer, the fee shall be	N\$ 400
(ii)	For attending to all matters referred to in subparagraph (i) in respect of any second or subsequent bond or bonds when the document or documents has or have been prepared by the same conveyancer who prepared the corresponding documents in connection with the first bond between the same parties over the same property, and the documents are or can be lodged simultaneously as a set, per bond	N\$ 100
(iii)	For more than two properties included in any release referred to in subparagraph (i) or (ii), for each additional property over and above the first two properties, an additional fee of	N\$ 50
(b)	For preparing a cession of a bond or an application for the endorsement of a bond in terms of sections 45 or 45bis of the Act, inclusive of attending to relevant instructions and correspondence, and to the preparation, where necessary, of a consent by the mortgagor and the procurement of the signatures of the mortgagor and mortgagee on the cession or on the endorsement application, and of any attendance at the deeds registry to obtain registration of the cession or to obtain an endorsement and all other relevant attendances, except attendances at the office of the Master	N\$ 600:
	Provided that in cases where there are no financial arrangements to be made by the conveyancer the fee shall be	N\$ 400
(c)	For preparing an agreement varying the terms of a bond, inclusive of attending to relevant instructions and correspondence and to the procurement of the signatures of the mortgagor and mortgagee on the agreement, and of any attendance at the deeds registry to obtain registration of the agreement and all other relevant attendances, a fee assessed according to the length and complexity of the transaction, with a minimum fee of N\$600 and a maximum fee of N\$1000.	
(d)	(i) For preparing a consent to substitution required in terms of section 24bis(3), 45(2)(b) or 45bis(2) of the Act, inclusive of attending to relevant instructions and correspondence and to the procurement of the necessary signatures of the mortgagee and the new debtor on the consent to substitution, and of attendances at the office of the Master...	N\$ 600:
	Provided that in cases where there are no financial arrangements to be made by the conveyancer, the fee shall be	N\$ 400
	(ii) For preparing a consent to substitution required in terms of section 57 of the Act, inclusive of attending to relevant instructions and correspondence and to the procurement of the necessary signatures of the mortgagee and the new debtor on the consent to substitution, and of any attendance at the deeds registry to obtain registration of the consent to substitution and all other relevant attendances, except attendances at the office of the Master the fee shall be 60% of the fees for bonds as set out in Schedule II to these regulations.	
	(iii) For preparing the application and consent required under section 40(5)(a) of the Act, inclusive of attending to relevant instructions and correspondence and to the procurement of the signatures of the mortgagor and mortgagee on the consent, and of any attendance at the deeds registry to obtain registration of the consent and all other relevant attendances	N\$ 600
(e)	If any of the documents referred to in these paragraphs are required to be signed by more than one mortgagee, mortgagor, usufructuary, lessee or holder of any other limited interest, for each such additional person after the first, an additional fee of	N\$ 120
(f)	Where attendances at the office of the Master is necessary in connection with any matter referred to in paragraph (a)(i), (b) or (d), the following additional fees shall be allowed:	

(i)	for obtaining any certificate from the Master, per estate for any number of certificates which are or can be applied for simultaneously	N\$ 120
(ii)	for obtaining copies of all the necessary documents which are or can be included in one application, per estate	N\$ 120
(g)	Apportionment of the fees set out in paragraphs (a) to (f): The following amount of the applicable fee referred to in -	
(i)	paragraphs (a)(i), (b), (c) and (d) shall be payable on lodgement	N\$ 150
(ii)	paragraph(a)(ii) shall be payable on lodgement	N\$ 40
(iii)	paragraph (f)(i) shall be payable to the instructed conveyancer	N\$ 100
(iv)	paragraph (f)(ii) shall be payable to the instructed conveyancer	N\$ 50
Miscellaneous		Fee
(a)	For attending on behalf of the transferor or transferee, the mortgagor or mortgagee, or any other person to the supervision of the registration of the transfer or bond, or to the supervision of a bond, when the documents are being prepared and lodged by another conveyancer, inclusive of attending to instructions and correspondence relevant to any such supervision -	
(i)	where the value of the property or amount of the bond does not exceed N\$100 000	N\$ 150
(ii)	where the value of the property or amount of the bond exceeds N\$100 000	N\$ 300
(b)	For obtaining an endorsement of any amendment of title in terms of section 44 of the Act, inclusive of attending to relevant instructions and of any attendance in connection with the obtaining of such endorsement	N\$ 150
(c)	For any attendance at the deeds registry for any certification or any act of registration required	N\$ 100
(d)	For preparing an application for an endorsement in terms of section 46 of the Act and for attendances in connection with the lodging of the title deed for endorsement	N\$ 750
(e)	(i) For obtaining an endorsement in terms of section 93 of the Act reflecting a change of name -	
(aa)	where no advertisement is required	N\$ 150
	plus for every deed after the first deed	N\$ 50
(bb)	where advertisement is required	N\$ 250
	plus for every deed after the first deed	N\$ 50
(ii)	For obtaining an amendment of a deed in terms of section 4(1)(b) of the Act	N\$ 150
	plus for every deed after the first deed	N\$ 50
(iii)	For preparing and lodging the consent of any interested party, including that of any bondholder that has an interest in any endorsement or amendment in terms of this paragraph	N\$ 100

<p>Note: The fees prescribed in this paragraph include fees for attending to instructions, correspondence and to the preparation of the necessary applications and for all relevant attendances and, where advertising is necessary, for preparing and placing the necessary advertisements.</p>	
(f)	<p>For any attendance to obtain an endorsement on any deed reflecting the conversion of a company to a close corporation and vice versa..... N\$ 150 plus for every deed after the first N\$ 50</p>
(g)	<p>(i) For any attendance and search at the deeds registry to obtain the information required, other than information required for the preparation or registration of a deed, and for attending to the relevant instructions, and correspondence, per quarter hour or part thereof N\$ 100 (ii) Reporting per folio N\$ 50</p>
(h)	<p>For preparing and submitting an application for a certified copy of a deed, registered lease, mortgage bond or notarial bond for a purpose referred to in regulation 53, inclusive of attending to relevant instructions, correspondence and filing of documents, and of attendances in connection with any such application N\$ 350</p>
(i)	<p>For any attendance at the deeds registry to obtain a certified copy of any deed or document from the deeds registry for any purpose other than a purpose referred to in regulation 53 and for attending to the relevant instructions, correspondence, and filing of documents N\$ 125 plus for every deed after the first for which may be applied for in the same application N\$ 50</p>
(j)	<p>For any attendance at the office of the Surveyor-General related to the metrication or amendment of any diagram or the obtaining of a copy of any diagram from the Surveyor-General and for attending to the relevant instructions, correspondence and applications N\$ 125 plus for every diagram after the first which can be applied for in the same application N\$ 50</p>
(k)	<p>For any attendance at the office of a local authority, the Townships Board or any other authority to obtain -</p> <p>(i) the necessary approval required by law in respect of diagrams of subdivision and to obtain the necessary certificates or other documents..... N\$ 500 (ii) an endorsement on a power of attorney or diagram N\$ 300</p>
(l)	<p>(i) For preparing an affidavit or application in connection with any separate act of registration or endorsement not specifically mentioned in this Tariff and attending to the relevant instructions and correspondence, and for any attendance in relation to such affidavit or application, or for the creation of township conditions against the remainder of the property, or for the lapsing of any condition of title or personal servitude (excluding a usufruct, usus or habitatio) N\$ 300 plus for the preparation of each extra folio of an affidavit or application where such document exceeds one folio in length N\$ 50 (ii) For any attendance at the office of the Master to obtain the necessary endorsements in connection with any matter referred to in this paragraph, per estate N\$ 125 (iii) For preparing a general power of attorney and for attendances in connection therewith N\$ 250</p>

<p>(iv) For preparing a certificate in terms of section 42(1) of the Administration of Estates Act, 1965 (Act No. 66 of 1965), and for any attendance at the office of the Master to obtain his or her signature on such certificate, per estate for any number of certificates</p>	<p>N\$ 125</p>
<p>(v) For preparing an application for the registration of a lapse of usufruct, habitatio, or usus (not notarial)</p>	<p>N\$ 300</p>
<p>(m) (i) For preparing a cession of servitude in the form prescribed in Form HH to these regulations and for attending to the relevant instructions, correspondence and registration</p>	<p>N\$ 500</p>
<p>(ii) For more than one property included in the same cession, for each additional property an additional fee of</p>	<p>N\$ 100</p>
<p>(n) For attending to the filing at the deeds registry of any document relating to any person, partnership, association or company, where such filing is independent of any particular act of registration being attended to by that conveyancer, and for attending to the relevant instructions and correspondence.....</p>	<p>N\$ 125</p>
<p>(o) For any attendance in connection with taxation, inclusive of correspondence: a fee equal to 5% of the fees allowed on taxation shall be chargeable by the conveyancer submitting the bill of costs, and a fee equal to 5% of the total fees originally reflected in that bill of costs shall be chargeable by the conveyancer opposing taxation, subject to a minimum fee of N\$100 in respect of each conveyancer.</p>	
<p>(p) Apportionment of the fees set out in paragraphs (a) to (o): The following percentage or amount of the fee referred to in -</p>	
<p>(i) paragraphs (a) and (b) shall be payable on -</p>	
<p>(aa) completion of the preliminary work</p>	<p>33,33%</p>
<p>(bb) completion of the final work</p>	<p>66,67%</p>
<p>(ii) paragraph (b) shall be payable on lodgement</p>	<p>N\$ 50</p>
<p>(iii) paragraphs (d), (e)(i)(aa) and (bb), (e)(ii), (e)(iii), (g), (i), (j), (k)(i) and (ii), l(i) and (iii), m(i) and (ii), and (n) shall be payable to -</p>	
<p>(aa) the instructing legal practitioner</p>	<p>50%</p>
<p>(bb) the instructed legal practitioner</p>	<p>50%</p>
<p>(iv) paragraph (h) shall be payable on lodgement</p>	<p>N\$ 125</p>
<p>(v) paragraph (l)(ii) shall be payable to the instructed legal practitioner..</p>	<p>N\$ 125</p>
<p>(vi) paragraph (l)(iv) shall be payable to the instructed legal practitioner ..</p>	<p>N\$ 125</p>
<p>Note: Fees and percentages specified in this Tariff shall be nett and shall not be subject to any allowance, the customary one-third allowance having been taken into account in the apportionments.</p> <p>Where the instructing legal practitioner merely takes instructions from his or her client and thereafter sends his or her whole file to the instructed legal practitioner who then does all the work, the former shall, as a general rule, be entitled to 20 per cent and the latter to 80 per cent of the fee where the fee is divided on a percentage basis.</p>	

**PART III
APPORTIONMENT OF FEES FOR PRELIMINARY WORK**

Where a legal practitioner who attends to the preliminary work in connection with any conveyancing matter requests another legal practitioner to do part of that preliminary work, the former shall from his or her share of the fees pay to the latter the following:

(a)	For obtaining all the necessary endorsements from the Master for any number of certificates which are or can be applied for simultaneously, per estate	N\$ 75
(b)	For obtaining the copies of documents required for lodgement in the deeds registry, which are or can be included in one application (exclusive of searches), per application	N\$ 25
(c)	For obtaining a clearance or other similar certificate from a local authority or other authority or a body corporate, per certificate	N\$ 60
(d)	For attending to the payment of transfer duty and for uplifting a receipt in respect thereof	N\$ 50
(e)	For any other attendance not mentioned in paragraph (a), (b) or (c), per half hour or part thereof	N\$ 60
(f)	For preparing a document, per folio or part thereof	N\$ 30
(g)	For perusing and certifying a guarantee for payment	N\$ 60
Note: The above fees shall be nett and shall not be subject to any allowance, the customary one-third allowance having been taken into account.		

**PART IV
APPORTIONMENT OF FEES WHERE MANDATE IS TERMINATED**

The following shall be a guideline for the apportionment of fees where a mandate is terminated at any stage before execution or registration:

(a)	For attending to the taking of instructions and the planning of the transaction, 20% of the prescribed fee	20%
(b)	For preparing the preliminary documents, an additional 20% of the prescribed fee	40%
(c)	For attending to or procuring the signing of the preliminary documents, an additional 10% of prescribed fee	50%
(d)	For attending to all the necessary financial arrangements before lodgment, an additional 20% of prescribed fee	70%
(e)	For preparing a deed or other document for execution or registration, an additional 10% of the prescribed fee	80%
(f)	For lodgement, an additional 10% of the prescribed fee	90%

PART V
APPLICATION OF TARIFF

This Tariff shall apply only in relation to any act -

- (a) in respect of which the fees referred to in regulation 65 of these regulations shall be payable; and
- (b) which is performed by a legal practitioner, a notary public or a conveyancer in connection with any transaction in respect of which he or she received an instruction on or after the date of commencement of these regulations.”.

20. The following Schedules are substituted for Schedules 1 and 2 to the Regulations:

“SCHEDULE I

COLUMN A Value of property	COLUMN B Fees for conveyance of immovable property
N\$20 000 or less	N\$ 800
Over N\$20 000 up to and including N\$30 000	N\$ 1 300
Over N\$30 000 up to and including N\$45 000	N\$ 1 500
Over N\$45 000 up to and including N\$60 000	N\$ 1 800
Over N\$60 000 up to and including N\$70 000	N\$ 2 000
Over N\$70 000 up to and including N\$80 000	N\$ 2 500
Over N\$80 000 up to and including N\$90 000	N\$ 2 700
Over N\$90 000 up to and including N\$100 000	N\$ 2 900
Over N\$100 000 up to and including N\$125 000	N\$ 3 000
Over N\$125 000 up to and including N\$150 000	N\$ 3 100
Over N\$150 000 up to and including N\$175 000	N\$ 3 300
Over N\$175 000 up to and including N\$200 000	N\$ 3 500
Over N\$200 000 up to and including N\$250 000	N\$ 3 800
Over N\$250 000 up to and including N\$300 000	N\$4 400
Over N\$300 000 up to and including N\$350 000	N\$4 700
Over N\$350 000 up to and including N\$400 000	N\$5 100
Over N\$400 000 up to and including N\$450 000	N\$5 500
Over N\$450 000 up to and including N\$500 000	N\$6 000
Over N\$500 000	N\$6 000 for the first N\$500 000 plus N\$800 per N\$100 000 or part thereof above that up to and including N\$1 000 000 or part thereof above that up to and including N\$1 000 000 whereafter the fee shall be N\$400 per N\$100 000 or part thereof up to and including N\$5 000 000, whereafter the fee shall be N\$200 per N\$100 000 or part thereof.

SCHEDULE II

COLUMN A Amount of Bond	COLUMN B Fees for Mortgage Bonds
N\$20 000 or less	N\$ 550
Over N\$20 000 up to and including N\$25 000	N\$ 750
Over N\$25 000 up to and including N\$30 000	N\$ 900
Over N\$30 000 up to and including N\$35 000	N\$ 1 000
Over N\$35 000 up to and including N\$40 000	N\$ 1 100
Over N\$40 000 up to and including N\$45 000	N\$ 1 150
Over N\$45 000 up to and including N\$50 000	N\$ 1 200
Over N\$50 000 up to and including N\$60 000	N\$ 1 300
Over N\$60 000 up to and including N\$70 000	N\$ 1 400
Over N\$70 000 up to and including N\$80 000	N\$ 1 600
Over N\$80 000 up to and including N\$90 000	N\$ 1 700
Over N\$90 000 up to and including N\$100 000	N\$ 1 800
Over N\$100 000 up to and including N\$125 000	N\$ 1 900
Over N\$125 000 up to and including N\$150 000	N\$ 2 000
Over N\$150 000 up to and including N\$175 000	N\$ 2 100
Over N\$175 000 up to and including N\$200 000	N\$ 2 200
Over N\$200 000 up to and including N\$250 000	N\$ 2 400
Over N\$250 000 up to and including N\$300 000	N\$ 2 700
Over N\$300 000 up to and including N\$350 000	N\$ 3 000
Over N\$350 000 up to and including N\$400 000	N\$ 3 400
Over N\$400 000 up to and including N\$450 000	N\$ 3 700
Over N\$450 000 up to and including N\$500 000	N\$ 4 000
Over N\$500 000	N\$4 000 for the first N\$500 000 plus \$600 per n\$100 000 or part thereof above that up to and including N\$1 000 000 whereafter the fee shall be N\$300 per N\$100 000 or part thereof up to and including N\$5 000 000 whereafter the fee shall be N\$150 per N\$100 000 or part thereof.

”

21. Annexure III to the Regulations is amended -

(a) by the substitution for Form D of the following form:

“Form D

Prepared by me

.....

Conveyancer

.....

(State surname and initials
in block letters)

CERTIFICATE OF REGISTERED STATE TITLE

(In terms of section 18 of Deeds Registries Act,
1937 (Act No. 47 of 1937))

Whereas the Government of Namibia has applied under section 18 of the Deeds Registries Act, 1937, for the issue to the Government of Namibia of a certificate of registered State title in respect of the undermentioned land, being a piece of unalienated State land which has been separately surveyed and is shown on the diagram annexed hereto.

Now, therefore, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at do hereby certify that Government of Namibia is the registered owner of (give a description of the land by furnishing the name, registered number and extent thereof, and the registration division and region in which it is situated, and a reference to the annexed diagram).

Signed at on this day of 20..... and confirmed with my seal of office.

.....
Registrar of Deeds”;

- (b) by the substitution for the word “area”, where it occurs in Forms E and F, of the words “extent thereof, and the region in which it is situated”;
- (c) by the insertion after the word “division”, where it occurs in Forms G, H, I and J, of the words “and extent thereof, and the region in which it is situated”;
- (d) by the insertion after the word “property”, where it occurs in Form K, of the words “by giving the name, registered number, registration division and extent thereof, and the region in which such it is situated.”;
- (e) by the insertion after the word “division”, wherever it occurs in Forms L, M, N, O, Q and R, of the words “and extent thereof, and the region in which it is situated”;
- (f) by the substitution for the expression “CONVEYANCER”, where it occurs in Form T, of the expressions “LEGAL PRACTITIONER/NOTARY PUBLIC/CONVEYANCER”;
- (g) by the substitution for the word “measuring”, where it occurs in Form V, of the words “and extent thereof, and the region in which it is situated”;
- (h) by the substitution for the expression “CONVEYANCER”, where it occurs in Form W, of the expressions “LEGAL PRACTITIONER/NOTARY PUBLIC/CONVEYANCER”;
- (i) by the insertion after the word “division”, where it occurs in Form Z, of the words “and extent thereof, and the region in which it is situated”;
- (j) by the substitution for the expression “CONVEYANCER”, where it occurs in Forms C.C., F.F., G.G. and H.H., of the expressions “LEGAL PRACTITIONER/NOTARY PUBLIC/CONVEYANCER”;
- (k) by the insertion after the word “extent”, where it occurs in Form S.S., of the words “and the region in which such land is situated”; and
- (l) by the addition of the following form:

“FORM T.T.

Prepared by me

.....
LEGAL PRACTITIONER/
NOTARY PUBLIC/
CONVEYANCER*
(*Delete whichever is not applicable)

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

CONSENT BY FORMER SPOUSES AND LEGAL HOLDER OF BOND
(In terms of section 45bis (2)(b) of the Deeds Registries Act, 1937
(Act No. 47 of 1937))

We,, the former spouses and mortgagors under Mortgage
Bond No..... passed by us in favour of for the sum of
.....do hereby -

- (a) consent to the release of our joint estate from liability under the said bond;
(b) jointly and severally assume liability for all indebtedness under the said
bond; and
(c) renounce the exception de duobus vel pluribus reis debendi.

Signed at on this..... day of.....20.....

.....

.....
Signatures of Former Spouses

I,, the legal holder of the said bond, do hereby
consent to the release, assumption of liability and renunciation by the mortgagors
as afore-mentioned.

Signed at on this day of 20.....

.....
Signature of Legal Holder of Bond

As witnesses:

1.....

2.....”.

22. These regulations shall come into operation on 17 March 2004.
