



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$4.40

WINDHOEK - 13 April 2007

No. 3824

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Government Notices

MINISTRY OF LANDS AND RESETTLEMENT

No. 75 2007

AMENDMENT OF THE REGULATIONS MADE UNDER THE REGISTRATION OF DEEDS IN REHOBOTH ACT, 1976 (ACT NO. 93 OF 1976)

The Minister of Lands and Resettlement has under section 56 of the Registration of Deeds in Rehoboth Act, 1976 (Act No. 93 of 1976) made the regulations set out in the Schedule.

SCHEDULE

1. In these regulations “the Regulations” means the regulations published under Government Notice No. R2372 of 3 December 1976, as amended by AG. Government Notice No. 28 of 7 July 1978.

2. The Regulations are amended by the substitution for Annexure 2 to the Regulations of the following Annexure:

“ANNEXURE 2

LIST OF AMOUNTS PAYABLE

SECTION A

Item		Amount N\$
1.	For the transfer of land -	
	(a) an erf in a registered township	150.00
	(b) any other land	150.00
2.	For the rectification of or addition to a deed or other document registered or kept in the registry in terms of an order issued after an enquiry held in terms of section 54 of the Act	150.00
3.	For the registration of a bond	150.00
4.	For the registration of a cession of a registered bond or other real right, including a cession given as security	150.00
5.	For the cancellation of registered bonds or releases of any part of the property hypothecated	50.00
6.	For the registration of release of a co-debtor or of a surety in respect of a bond	50.00
7.	For the registration of the substitution for a debtor in respect of a bond of any other person	50.00
8.	For the registration of waiver of preference in respect of registered mortgage bonds and notarial bonds	50.00
9.	For the registration of waiver of preference in respect of registered real rights in land in favour of mortgage bonds	50.00
10.	For the endorsement on a registered mortgage bond or notarial bond of an amendment of the conditions of the bond in terms of an agreement between mortgagor and mortgagee	50.00
11.	For the registration of notarial bonds and cancellations and cessions thereof, including cessions made as security and cancellations of such cessions	50.00
12.	For the registration of an antenuptial contract and notarial deed of donation and other notarial deeds relating to persons and property in Rehoboth	50.00

13.	For the registration of leases and of subleases of land, cessions, amendments, renewals and cancellations thereof or releases of any part of the land leased	50.00
14.	For the registration of personal or praedial servitudes	50.00
15.	Endorsements of the cancellation, amendment or extinction of registered servitudes	50.00
16.	For the registration of any real right in land not specifically mentioned in this Annexure and the transfer, cession, amendment or extinction of such rights	50.00
17.	For the registration of general plans of erven or of subdivisions of land	50.00
18.	For the registration of general powers of procuration	50.00
19.	For the registration of any other document not specifically mentioned under Section A	50.00
20.	For issuing certified copies of land titles, deeds and other documents registered or kept in the registry	50.00

SECTION B

Item		Amount N\$
1.	Framing of mortgage bonds	25.00
2.	Framing of consent to cancellation, part payment, discharge, cession, cancellation of cession or substitution of a bond	12.00
3.	Framing of a deed whereby land is transferred	13.00
4.	Framing of personal or praedial servitudes	13.00
5.	Framing of leases or subleases	13.00
6.	Framing of Deeds or other documents not specifically mentioned in this Section, excluding the completion of formal application forms	13.00
7.	Framing of completion of a formal application on behalf of an applicant	10.00

SECTION C

Item		Amount N\$
1.	The inspection and copying of or the making of extracts from registers, deeds or other documents by any person:	

	(a) For each separate deed, register or document to which access has been granted or of which a copy of from which an extract is made	10.00
	(b) If such copy or extract is certified by the Registrar, for each certification	100.00
2.	A certified copy of or extract from a deed, register or any other document prepared by the registry	100.00
3.	A certificate by the Registrar of any other particular fact recorded in the registry	50.00
4.	Tracing any deed, entry or other document where insufficient particulars have been furnished, depending on the nature or extent thereof, an amount fixed by the Registrar with a minimum of	10.00

3. These Regulations come into operation on 2 May 2007.

MINISTRY OF LANDS AND RESETTLEMENT

No. 76

2007

AMENDMENT OF THE REGULATIONS MADE UNDER THE SECTIONAL TITLES ACT, 1971 (ACT NO. 66 OF 1971)

The Minister of Lands and Resettlement has under section 40 of the Sectional Titles Act, 1971 (Act No. 66 of 1971), after consultation with the Deeds Registries Regulation Board established under section 9 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), with effect from 1 April 2007, made the Regulations as set out in the Schedule.

SCHEDULE

Definitions

1. In these regulations “the Regulations” means the Regulations promulgated by Government Notice No. R 475 of 30 March 1973 as amended by Government Notice No’s. 2579 of 29 December 1978, AG. 82 of June 1982 and 195 of 1 August 1996.

Substitution of Annexure 2 of the Regulations

2. The following Annexure is substituted for Annexure 2 of the Regulations:

“ANNEXURE 2

FEES OF OFFICE: DEEDS REGISTRY

- | | | |
|----|---|--------|
| 1. | For the opening of a sectional title register - | N\$ |
| | (a) for the main file | 250.00 |
| | (b) for each subfile | 50.00 |

2.	For the registration of -	
	(a) a sectional plan	
	(b) a plan of subdivision	
	(c) a plan of re-subdivision	250.00
	(d) a plan in respect of the extension of a building	
	(e) a plan in respect of any additional building on land shown on a registered sectional plan	
3.	For the cancellation of the registration of any sectional plan	50.00
4.	For the issue of a certificate of registered sectional title where the ownership or any share of or interest in the ownership in any unit or land is not transferred from one person to another	75.00
5.	For the registration of any notarial lease	75.00
6.	For the registration of any notarial cancellation or modification of any notarial lease	75.00
7.	For the registration of any notarial sublease and any notarial cession of any notarial lease or sublease	75.00
8.	For the registration of any notarial cancellation or modification of a notarial sublease	75.00
9.	For the cancellation of the registration of any notarial lease or sublease which has lapsed by effluxion of time, on production of proof that the notarial lease or sublease has so lapsed	35.00
10.	For the cancellation or modification of a real right embodied in a notarial deed	75.00
11.	For each act of registration in relation to a sectional mortgage bond or a bond referred to in section 10(3) of the Act, of-	
	(a) a cancellation;	
	(b) a cancellation of a cession;	
	(c) a modification referred to in section 11(1)(c) of the Act	35.00
12.	For the cancellation of the registration of a section and the amendment of the sectional plan accordingly in terms of section 13(4)(a) of the Act	75.00
13.	For the cancellation of sectional title deeds when the whole of land is transferred as referred to in section 13 of the Act, for each sectional title deed cancelled	25.00
14.	To revert land transferred pursuant to section 13 of the Act to the land register, including the noting of such	

	reversion on the registered sectional plan and on the transferee's certificate of registered sectional title and the issue to the transferee of a certificate of registered title; and if more than 10 sectional title deeds have to be cancelled as referred to in section 13(5) of the Act, for each such title deed above 10	500.00
15.	For endorsing on a developer's sectional title deeds the fact of the alienation in one transaction of the whole of the developer's interest in land and the building or buildings thereon or of a share in the whole of such interest, for each endorsement	75.00
16.	For the making of a reference on the schedule referred to in section 5(3)(f) of the Act to special rules made for the control and management of a building or the addition, amendment or repeal of any rule	125.00
17.	For the making of an entry on a sectional plan of a notification referred to in section 37(1) of the Act	50.00
18.	For the making of an endorsement referred to in section 37(6) of the Act on the registered sectional plan and on the sectional title deeds of the owners of land -	
	(a) on the registered sectional plan	25.00
	(b) on each sectional title deed	25.00
19.	For a report to the court in connection with any application or action made by the Registrar	250.00
20.	For a certified copy of a deed or document filed of record in a deeds registry 100,00	
21.	For the registration of any notarial deed not provided for in this annexure	75.00
22.	For any endorsement, note or act of registration not provided for	35.00
23.	For a certificate by a registrar of any fact	75.00
24.	For certifying a copy of a sectional plan submitted for certification, per sheet	75.00
25.	For the taxation of a bill of fees: 5 per cent of the fees allowed; excluding any disbursements for transfer duty, stamp duty and fees of office	
26.	(a) For a search of an index to any register for each enquiry relating to a person, property or deed	15.00
	(b) for obtaining a computer print for each enquiry relating to a person, property or deed	15.00

- | | | |
|-----|--|--------|
| (c) | for inspection of any one deed, document or folio, including any continuation thereof, of any register of the documents relating to any one property | 15.00 |
| (d) | for inspection of any one file | 15.00 |
| (e) | for any continuous search for information for each hour or part thereof | 100.00 |
| (f) | for any search not specially provided for, a fee to be fixed by the registrar, provided that the minimum fees shall be: | 15.00 |
| (g) | No fees of office shall be payable in the rest of the recording or writing off referred to in Section 3(1)(w) of the Act.”. | |

Substitution of Annexure 4 of the Regulations

3. The following Annexure is substituted for Annexure 4 of the Regulations:

“ANNEXURE 4

TARIFF OF FEES AND CHARGES OF CONVEYANCERS AND NOTARIES PUBLIC AND OTHER LEGAL PRACTITIONERS

GENERAL

1. (1) The fees specified in this Tariff shall include the fees for all correspondence and shall also include the fees for the following: The taking and giving of instructions, including the perusal of deeds of sale; the preparation and attendance on signature of power of attorney, declarations, affidavits, conveyancers' certificates, resolutions and other necessary preliminary and ancillary documents; the payment of transfer duty and of any moneys due to the corporate body; the obtaining or making of all clearance or other certificates; the obtaining of endorsements or copies of documents from the Office of the Master or other public office; the perusal of memoranda and articles of association, constitutions, identity documents and trust deeds; the making of all necessary financial arrangements, including the provision and checking of guarantees and attending on payment in terms thereof; 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 conveyancer or other conveyancers, where necessary; the giving of all references required by the deeds registry; and all attendances at the deeds registry, but shall not include:
- (a) 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, rules for the body corporate, or documents of a similar nature;
- (b) any separate act or registration of any other documents which may be necessary before 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 whatsoever cause;
 - (d) any attendance arising from negotiations between the parties resulting in a further agreement or addendum or amendment to an existing agreement.
- (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 (hereinafter called the instructed legal practitioner, conveyancer, or notary, as the case may be) on the instructions received from another legal practitioner, conveyancer, or notary (hereinafter called the instructing legal practitioner, conveyancer, or notary, as the case may be), both the instructed and instructing legal practitioner, conveyancer or notary shall be entitled to a fee, apportioned as set out in the relevant Part in item 2 and payable out of the total fee.
- (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, conveyancer, or notary to the instructed legal practitioner, conveyancer, or notary, as the case may be, for all attendances in connection with the lodgement (and where necessary, registration) of any document, including arranging simultaneous lodgements, giving necessary references and all other attendances and correspondence in connection with such lodgement and registration, and shall be payable out of the total fee.
- (4) For the purpose of this Tariff-
- (a) "a folio" means a 100 printed or written words or figures or part thereof, and four figures shall be considered to be one word;
 - (b) "value of the property" means -
 - (i) where transfer duty is payable, 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), 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 section 9(2), but an official valuation (be it from a regional, village, town or municipal council or from the Master of the High Court) is available, such valuation or the consideration paid, 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 the Transfer Duty Act, 1993;

- (iv) where no consideration is payable in respect of the acquisition of the property and no regional, village, town or municipal council or other official valuation is available, the value shall be deemed to be no less than
- (v) The Local Authority valuation if available, alternatively the fair market value where the property has either been sold in execution, or by public auction at the instance of a liquidator or trustee and the purchase price was less than such valuation.

20 000.00

FEES

2. The fees and charges payable to conveyancers, notaries public and other legal practitioners shall be as follows:

PART 1: APPLICATION FOR THE OPENING OF A SECTIONAL TITLE REGISTER

- (a) For preparing and drawing application for the opening of a sectional title register, perusing sectional plan, drawing certificates of registered sectional title, correspondence and attendance on all matters referred to in section 5 of the Act, but excluding the drawing of the consents of bondholders or holders of other real rights, or searches in deeds registry or other public office or of the rules of the body corporate:

(i) A basic fee of 1500.00

(ii) For each section 150.00

- (b) Apportionment of the fees set out in this Part:

(i) For lodgement 375.00
plus
for each section 30.00

Provided that if the instructed conveyancer also draws the certificate of registered sectional title, for each section 100.00

- (ii) If the instructed conveyancer, in addition to the work contemplated in paragraph (b)(i) of this Part, also issues a certificate referred to in section 5(3)(d)(i) of the Act, he or she shall in addition to the fee prescribed in that paragraph, be entitled to a further sum out of the total fee assessed according to the length and complexity of the search in question and in consultation with the instructing legal practitioner.

PART II: TRANSFER OF OWNERSHIP

- (a) For registration of transfer of ownership of a unit or land held under sectional title deed, the fee shall be as set out in Column B of Schedule 1 to this Tariff in respect of the purchase price or value of the transaction as shown in Column A of that Schedule.
- (b) For more than one section included in the same transaction, for each additional section an additional fee of 50,00

(Note: Where transfer of ownership is registered as result of expropriation under any law or if a person becomes entitled to deal with a unit or land as if he or she had taken formal transfer into his or her name by virtue of an endorsement by the Registrar, the fee shall be 60% of the relevant amount set out in Column B of Schedule 1.)

- (c) Apportionment of the fees set out in this Part:
- (i) For lodgement, of the total fee 20%
- (ii) If the instructed conveyancer, in addition to the work contemplated in paragraph (c)(i) of this Part, also prepares the certificate referred to in section 11(4) of the Act, he or she shall, in addition to the fee prescribed in that paragraph, be entitled to a further 40% of the total fee.

PART III: PARTITION TRANSFERS

- (a) For the drawing and registration of each deed of partition transfer, including all preliminary and other work in connection therewith, but excluding attendances in connection with the framing of any provisional agreement 1500.00
- (b) For more than one section or subdivision transferred in any one certificate of registered sectional title, for each additional section or subdivision an additional fee of 50.00
- (c) Apportionment of the fees set out in this Part:
- (i) For lodgement, of the total fee 20%
- (ii) If the instructed conveyancer, in addition to the work contemplated in paragraph (c)(i) of this Part, also prepares the certificate referred to in section 11(4) of

the Act, he or she shall, in addition to the fee prescribed in that paragraph, be entitled to a further 60% of the total fee.

PART IV: TRANSFER BY ENDORSEMENT IN TERMS OF THE ADMINISTRATION OF ESTATES ACT, 1965

- | | | |
|-----|--|--------|
| (a) | For drawing all necessary documents, obtaining necessary ancillary documents, consents and certificates from the Master or Registrar of the High Court, and all necessary attendances and correspondence in connection therewith, including obtaining registration | 500.00 |
| (b) | Apportionment of the fees set out in this Part:
For lodgement | 100.00 |

PART V: SUBDIVISION AND RE-SUBDIVISION AND EXTENSIONS OF BUILDINGS

- | | | |
|-----|--|----------|
| (a) | For drawing and submitting an application for subdivision and preparing certificates of registered sectional title, together with supporting documents, perusing plan of subdivision or of re-subdivision, obtaining registration, correspondence and attendance on all matters referred to in section 16 and, in the case of a re-subdivision, section 17 of the Act, and in the case of extension, section 18 of the Act but excluding the drawing of the consents of bond-holders or holders of other real rights | 1 000.00 |
| (b) | If subdivision or re-subdivision into more than two sections is required, for each additional section | 150.00 |
| (c) | Apportionment of the fees set out in this Part:

For lodgement | 250.00 |
| | plus
for each section | 50.00 |

PART VI: APPLICATION FOR SECTIONAL TITLE DEED IN RESPECT OF UNDIVIDED SHARE IN UNIT

- | | | |
|------|--|--------|
| (a) | For preparing certificate of registered sectional title in respect of undivided share, including application, correspondence and attendances on all matters referred to in section 11(9) of the Act | 750.00 |
| (b) | Apportionment of the fees set out in this Part: | |
| (i) | For lodgement | 150.00 |
| (ii) | If the instructed conveyancer, in addition to the work contemplated in paragraph (b)(i) of this Part, also draws the certificate of registered sectional title, he or she shall be entitled to 60% of the total fee. | |

PART VII: APPLICATION FOR CERTIFICATE OF REGISTERED SECTIONAL TITLE FOR PORTION OF COMMON PROPERTY

- | | | |
|---|--|--------|
| (a) | For preparing a certificate of registered sectional title, including application in respect of a portion of land comprised in common property, correspondence and attendances on all matters referred to in section 13(3) of the Act | 750.00 |
| (b) Apportionment of the fees set out in this Part: | | |
| (i) | For lodgement | 150.00 |
| (ii) | If the instructed conveyancer, in addition to the work contemplated in paragraph (b)(i) of this Part, also draws the certificate of registered sectional title, he or she shall be entitled to 60% of the total fee. | |

PART VIII: REVERSION FROM SECTIONAL TITLE REGISTER TO LAND REGISTER

- | | | |
|---|---|---------------------|
| (a) | For attending to all matters referred to in section 13(4), (5) and (6) of the Act: | |
| (i) | A basic fee of | 1000.00 |
| (ii) | For each section | 50.00 |
| (b) Apportionment of the fees set out in this Part: | | |
| (i) | For lodgement
plus
for each section | 200.00

20.00 |
| (ii) | if the instructed conveyancer, in addition to the work contemplated in paragraph (b)(i) of this Part, also draws the documents referred to in section 13(4), (5) and (6) of the Act
plus
for each section | 750.00

50.00 |

PART IX: SECTIONAL MORTGAGE BONDS

- | | | |
|-----|--|--|
| (a) | For registration of any sectional mortgage bond or surety bond other than a bond referred to in paragraph (b) of this Part, including the drawing of all necessary documents and the obtaining of necessary ancillary documents, the fee shall be as set out in Column B of Schedule 2 to this Tariff in respect of an amount of the bond as shown in column A of that Schedule. | |
| (b) | For any collateral bond passed as additional security for another bond between the same parties the fee shall be 60% of the fee set out in column B of Schedule 2 to this Tariff | |

- (c) For more than one unit included in a bond referred to in paragraph (a) or (b) of this Part, for each additional unit an additional fee of 100.00
- (d) For purposes of determining a fee charged under paragraph (a) of this Part, 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.
- (e) Apportionment of fees set out in this Part:
- (i) For lodgement, of the total fee 20%
- (ii) If the instructed conveyancer, in addition to the work contemplated in paragraph (e)(i) of this Part, also signs the bond as preparer and files the same in the sectional titles protocol in terms of regulation 27(1)(a)(iii), he or she shall, in addition to the fee prescribed in that paragraph, be entitled to a further 60% of the total fee.

PART X: CESSION, CANCELLATION OR MODIFICATION OF BONDS

- (a) (i) For drawing consent to cancellation of bond, consent to cancellation of cession of bond, release of property or 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 by the Act or these regulations and not otherwise provided for in this Tariff (not notarial) and attending registration thereof, including instructions, correspondence and all relevant attendances, except attendances on the Office of the Master of the High Court 600.00
- Provided that in cases where there are no financial arrangements to be made by the conveyancers, the fee shall be 400.00
- (ii) For attending to all matters referred to in paragraph (a)(i) of this Part in respect of any second or subsequent bond when any relevant document has been drawn by the same conveyancer 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, per bond 100.00
- (iii) For every additional unit included in a release contemplated in paragraph (a)(i) or (a)(ii) of this Part after the first two units, an additional fee of 50.00

- | | | |
|------|---|--------|
| (b) | For drawing cession of bond or application for endorsement, including instructions and drawing consent of mortgagor where necessary, attendances on mortgagor and mortgagee, correspondence and all relevant attendances including registration, but excluding attendances on the Office of the Master of the High Court | 600.00 |
| | Provided that in cases where there are no financial arrangements to be made by the conveyancer, the fee shall be | 400.00 |
| (c) | For drawing consents to substitution under section 57 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), 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, the fee shall be 60% of the fees for bonds as set out in Schedule 2 of this Tariff. | |
| (d) | If any of the documents referred to in this Part are required to be signed by more than one mortgagee, mortgagor, usufructuary, lessee, or holder for any other limited interest, for each such additional person after the first, an additional fee of | 50.00 |
| (e) | 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 (a)(i) or (b) of this Part, the following additional fees shall be allowed: | |
| (i) | For obtaining any Master's Certificate, per estate for any number of certificates which are or can be applied for simultaneously | 150.00 |
| (ii) | for obtaining copies of all necessary documents which are or can be included in one application, per estate | 75.00 |
| (f) | For drawing consents to substitutions in terms of section 24 <i>bis</i> (3), 45(2)(b) or 45 <i>bis</i> (2) of the Deeds Registries Act, 1937, including instruction, 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 | 600.00 |
| | Provided that in cases where there are no financial arrangements to be made by the conveyancer, the fee shall be | 400.00 |
| (g) | Apportionment of the fees set out in this Part: | |
| (i) | For lodgement | 150.00 |
| (ii) | For each further bond | 50.00 |

PART XI: NOTARIAL DEEDS

- | | | |
|------|--|--------|
| (a) | For framing any notarial lease, sublease, servitude or other notarial deed, a fee assessed according to the length and complexity thereof, with a minimum fee of | 500.00 |
| (b) | For drawing any notarial waiver of preference by mortgagee, usufructuary, or other holder of a limited interest, or other notarial consent required under the Act or these regulations | 750.00 |
| (c) | Apportionment of fees set out in this Part: | |
| (i) | For lodgement, of the total fee | 20% |
| (ii) | If the instructed conveyancer, in addition to the work contemplated in paragraph (c)(i) of this part, also executed the deed as notary, he or she shall be entitled to 65% of the total fee. | |

PART XII: MISCELLANEOUS

- | | | |
|-------|--|--------|
| (a) | For attendance on behalf of transferor or transferee, mortgagor or mortgagee, supervising the registration of the transfer or bond or supervising the bond when the documents are prepared and lodged by another conveyancer, including all instructions, correspondence and miscellaneous attendances relevant to the supervision - | |
| (i) | where the value of the property or the amount of bond does not exceed N\$100 000.00 | 150.00 |
| (ii) | where the value of the property or the amount of the bond exceeds N\$100 000.00 | 275.00 |
| (b) | (i) For attendance and searching at deeds registry and inspecting of conveyancer's protocol for information required in respect of any deed or matter registered under the Act, other than information required for preparation of a document otherwise provided for in this Tariff, including instructions, correspondence and relevant attendances, per quarter hour or part thereof | 100.00 |
| (ii) | Reporting per folio | 50.00 |
| (iii) | For attendance and searching at deeds registry 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 per quarter hour or part thereof | 100.00 |
| (iv) | Reporting per folio | 50.00 |
| (c) | For drawing any certificate by a conveyancer with regard to servitudes, other real rights or conditions where not otherwise provided for in this Tariff | 120.00 |

(d)	For drawing certificate of establishment of any body corporate under section 28(1) of the Act, lodging the same, including all correspondence and attendances in connection therewith	120.00
(e)	For drawing a consent required in terms of section 18 of the Act, including all correspondence and attendances in connection therewith, including lodging	400.00
(f)	For any matter not herein provided the fee charged in respect thereof, and the apportionment of such fee, shall be in accordance with the tariff of fees prescribed by regulation 65 of the regulations made under the Deeds Registries Act, 1937 (Act No. 47 of 1937)	
(g)	Apportionment of fees set out in this Part:	
(i)	paragraphs (a), (b) and (c): No apportionment (Remark: Note 2 below may apply in circumstances contemplated in that note)	
(ii)	paragraph (d): for lodgement	30.00
	for drawing certificate and lodgement	90.00
(iii)	paragraph (e) for lodgement	80.00

(NOTE:

1. Fees and percentages specified shall be nett and shall not be subject to any allowance, the customary one-third allowance having been taken into account in the apportionments.
2. Where the instructing legal practitioner, conveyancer or notary merely takes instructions from his or her client and thereafter sends his or her whole "file" to the instructed legal practitioner, conveyancer or notary, who then does all the work, the former shall, as a general rule, be entitled to 15% and the latter to 85% of the total fee.)

APPORTIONMENT OF FEES FOR PRELIMINARY WORK

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

(a)	For obtaining all necessary endorsements from the Master for any number of certificates which are or can be applied for simultaneously, per state	75.00
(b)	For obtaining copies of documents required for lodgement in a deeds registry which are or can be included in one application (exclusive of searches), per application	25.00

(c)	For obtaining a clearance or other similar certificate from a public or local authority or a body corporate, per certificate	60.00
(d)	For attending on payment of transfer duty, stamp duty and obtaining endorsements of certificates referred to in section 11 of the Act	90.00
(e)	For obtaining Receiver of Revenue's endorsement and attending on payment of stamp duty	60.00
(f)	For any other attendance, per half hour or part thereof	60.00
(g)	For drawing any document, per folio or part thereof	30.00
(h)	For perusing and certifying guarantee for payment	60.00

(Note: the above fees shall be net and shall not be subject to any allowance, the customary one-third allowance having been taken into account)

WASTED COSTS

4. The following shall be a guideline for the apportionment of fees where a mandate is terminated at any stage before execution or registration, as the case may be:

	Total fee
(a) For attendances on taking instructions and planning transaction, 20% of prescribed fee	20%
(b) For drawing preliminary documents, an additional 20% of prescribed fee	40%
(c) For attendances on signatures of preliminary documents, an additional 10% of prescribed fee	50%
(d) For attendances on completion of all necessary financial arrangements before lodgement, an additional 20% of prescribed fee	70%
(e) For drawing and preparing deed for execution or document for registration, an additional 10% of prescribed fee	80%
(f) For lodgement, an additional 10% of prescribed fee	90%

APPLICATION OF THIS TARIFF

5. This Tariff shall apply only in relation to any act -
- (a) in respect of which the fees referred to in this Tariff shall be payable; and

- (b) which is performed by a legal practitioner, conveyancer or notary 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.

SCHEDULE 1

COLUMN A	COLUMN B
Value of property	Fees for Conveyance of Immovable
N\$20 000 or less	N\$800.00
Over N\$20 000 up to and including N\$30 000	N\$1 300.00
Over N\$30 000 up to and including N\$45 000	N\$1 500.00
Over N\$45 000 up to and including N\$60 000	N\$1 800.00
Over N\$60 000 up to and including N\$70 000	N\$2 000.00
Over N\$70 000 up to and including N\$80 000	N\$2 500.00
Over N\$80 000 up to and including N\$90 000	N\$2 700.00
Over N\$90 000 up to and including N\$100 000	N\$2 900.00
Over N\$100 000 up to and including N\$125 000	N\$3 000.00
Over N\$125 000 up to and including N\$150 000	N\$3 100.00
Over N\$150 000 up to and including N\$175 000	N\$3 300.00
Over N\$175 000 up to and including N\$200 000	N\$3 500.00
Over N\$200 000 up to and including N\$250 000	N\$3 800.00
Over N\$250 000 up to and including N\$300 000	N\$4 400.00
Over N\$300 000 up to and including N\$350 000	N\$4 700.00
Over N\$350 000 up to and including N\$400 000	N\$5 100.00
Over N\$400 000 up to and including N\$450 000	N\$5 500.00
Over N\$450 000 up to and including N\$500 000	N\$6 000.00
Over N\$500 000	N\$6 000.00 for the first N\$500 000 plus N\$800.00 per N\$100 000 or part thereof above that up to and including N\$1 000 000 whereafter the fee shall be N\$400.00 per N\$100 000 or part thereof up to and including N\$5 000 000, whereafter the fee shall be N\$200.00 per N\$100 000.

SCHEDULE 2

COLUMN A	COLUMN B
Amount of Bond	Fees for Mortgage Bonds
N\$20 000 or less	N\$550.00
Over N\$20 000 up to and including N\$25 000	N\$850.00
Over N\$25 000 up to and including N\$30 000	N\$900.00
Over N\$30 000 up to and including N\$35 000	N\$1 000.00
Over N\$35 000 up to and including N\$40 000	N\$1 100.00
Over N\$40 000 up to and including N\$45 000	N\$1 150.00

Over N\$45 000 up to and including N\$50 000	N\$1 200.00
Over N\$50 000 up to and including N\$60 000	N\$1 300.00
Over N\$60 000 up to and including N\$70 000	N\$1 400.00
Over N\$70 000 up to and including N\$80 000	N\$1 600.00
Over N\$80 000 up to and including N\$90 000	N\$1 700.00
Over N\$90 000 up to and including N\$100 000	N\$1 800.00
Over N\$100 000 up to and including N\$125 000	N\$1 900.00
Over N\$125 000 up to and including N\$150 000	N\$2 000.00
Over N\$150 000 up to and including N\$175 000	N\$2 100.00
Over N\$175 000 up to and including N\$200 000	N\$2 200.00
Over N\$200 000 up to and including N\$250 000	N\$2 400.00
Over N\$250 000 up to and including N\$300 000	N\$2 700.00
Over N\$300 000 up to and including N\$350 000	N\$3 000.00
Over N\$350 000 up to and including N\$400 000	N\$3 400.00
Over N\$400 000 up to and including N\$450 000	N\$3 700.00
Over N\$450 000 up to and including N\$500 000	N\$4 000.00
Over N\$500 000	N\$4 000.00 for the first N\$500 000 plus N\$600.00 per N\$100 000 or part thereof above that, thereafter, up to and including N\$1 000 000 whereafter the fee shall be N\$300.00 per N\$100 000 or part thereof up to and including N\$5 000 000 whereafter the fee shall be N\$150.00 per N\$100 000

6. These regulations come into operation on 2 May 2007.

MINISTRY OF LANDS AND RESETTLEMENT

No. 77

2007

AMENDMENT OF THE DEEDS REGISTRIES REGULATIONS: DEEDS REGISTRIES ACT, 1937 (ACT NO. 47 OF 1937)

The Deeds Registries Regulation Board, with the approval of the Minister of Lands and Resettlement, has under section 10 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), made the regulations set out in the Schedule.

SCHEDULE

Definitions

1. In these regulations “the Regulations” means the Deeds Registries Regulations promulgated under Government Notice No. 180 of 1 July 1996, as amended by Government Notice No. 36 of 17 February 2004.

Substitution of Annexure 1 to the Regulations

2. The following Annexure is substituted for Annexure 1 to the Regulations:

**“ANNEXURE 1
SCHEDULE OF FEES OF OFFICE
(REGULATION 64)**

	Fee
1. For the issue of a certificate compiled by the registrar on request 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, bond or document registered or preserved in the deeds registry and issued in terms of regulation 51 or 52, per deed, bond or document	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 the search of an index to any register, for an enquiry relating to a person, property or deed	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 relating to any particular property preserved in the deeds registry, per deed, document or page of a register	N\$ 6
(d) For any other enquiry, continuous 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 securing immovable property .	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;	

<p>(v) general plans of erven or subdivisions of land and opening of registers, as referred to in section 46(3) of the Act</p> <p>per any such registration</p>	<p>N\$300</p>
<p>(d) For the registration of -</p> <p>(i) a notarial deed, including antenuptial contracts;</p> <p>(ii) a notarial bond;</p> <p>(iii) a cession of a bond</p>	<p>N\$300</p>
<p>(e) For work related to a transfer by endorsement, except such a transfer in terms of the second proviso to section 16 of the Act</p>	<p>N\$300</p>
<p>6. For the registration of the following transactions, namely -</p>	
<p>(i) the cancellation of a registered mortgage bond or notarial bond;</p>	
<p>(ii) cancellation of a cession of a registered mortgage bond or notarial bond;</p>	
<p>(iii) release of any part of property hypothecated by a registered mortgage bond or notarial bond or, in the case where the debt is further secured by such a collateral bond, of all the property, or of any joint debtor or of any surety in respect of such a bond;</p>	
<p>(iv) part payment of a capital amount due in respect of any registered mortgage bond or notarial bond other than a registered mortgage bond or notarial bond intended to secure future debts;</p>	
<p>(v) reduction of cover in respect of a registered mortgage bond or notarial bond intended to secure future debts;</p>	
<p>(vi) an agreement varying the terms of a registered mortgage bond or notarial bond;</p>	
<p>(vii) waiver of preference in respect of a registered mortgage bond or notarial bond with regard to the whole or any part of the property hypothecated thereby in favour of any other such mortgage bond whether registered or about to be registered; and</p>	
<p>(viii) waiver of preference in respect of a registered real right in favour of a registered mortgage bond or notarial bond if such waiver is contained in the mortgage bond</p>	<p>N\$ 50</p>
<p>7. For the cancellation of the registration of a lease or servitude under section 90 of the Act, for every cancellation</p>	<p>N\$ 50</p>

8.	For every endorsement, note or registration of a transaction not provided for in this list (excluding the revocation of a power of attorney)	N\$ 50
9.	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
10.	For taxation of fees or charges of conveyancers, notaries public or of other legal practitioners: 5% of 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.	
