



EASTERN CAPE PROVINCIAL LEGISLATURE

**OFFICE OF THE CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON
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30 October 2013

NEGOTIATING MANDATE

To:

The Chairperson:

Name of Bill: Sectional Titles Amendment Bill
Number of Bill: [B11B-2013]
Date of Deliberation 30 October 2013

Vote of the Legislature

The Legislature supports the Bill and mandates the Eastern Cape delegate to negotiate in favour of the adoption of the Bill.



HON N. PONCO (MPL)
**CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON RURAL
DEVELOPMENT AND AGRARIAN REFORM**

30-10-2013
DATE



FREE STATE LEGISLATURE

PORTFOLIO COMMITTEE ON COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS & HUMAN SETTLEMENTS

Negotiating Mandate

TO: Chairperson of the Select Committee on Land & Environmental Affairs

NAME OF BILL: Sectional Titles Amendment Bill

NUMBER OF BILL: B11B-2013

DATE OF DELIBERATION: 22 October 2013

VOTE OF THE LEGISLATURE:

The Portfolio Committee on Cooperative Governance, Traditional Affairs & Human Settlements as designated by the Free State Legislature proposes the following amendment on the Bill;

2. Section 4 of the principal Act is hereby amended---

(a) by the substitution in subsection(3)(a) for the paragraph(i) of the following subparagraph

- (i) has been notified in writing by the developer, by letter delivered either personally or dispatched by registered post or electronic mail of a date, at least 14 days after the delivery or dispatch of such letter or electronic mail as the case may be, of a meeting of such lessees to be held in the building in question, or in another building within a reasonable distance from the first-mentioned building, within the area of jurisdiction of the local

authority concerned, at which the developer [or his or her agent] intends to be available to provide such lessees with-

- (aa) such particulars of the relevant scheme as they may reasonably require from him or her;
- (bb) the information regarding their rights as set out in section 10 of this Act; and



MR CLIVEN ROOYEN
ACTING CHAIRPERSON OF PORTFOLIO COMMITTEE ON COOPERATIVE
GOVERNANCE, TRADITIONAL AFFAIRS & HUMAN SETTLEMENTS
FREE STATE LEGISLATURE

5 November 2013



NEGOTIATING MANDATE

TO: The Chairperson of the Select Committee on Land and Environmental Affairs

Hon AND Qikani

NAME OF BILL: Sectional Titles Amendment Bill


NUMBER OF BILL: [B11B-2013]

DATE OF DELIBERATION: 31 October 2013

VOTE OF THE LEGISLATURE:

The Gauteng Provincial Legislature supports the principle and the detail of the bill with the proposed amendments and therefore votes in favour of-

- Sectional Titles Amendment Bill



HON. E MAGERMAN

Chairperson of Local Government and Housing Portfolio Committee

GAUTENG PROVINCIAL LEGISLATURE

Date: 31/10/13



**LOCAL GOVERNMENT AND HOUSING PORTFOLIO COMMITTEE
NEGOTIATING MANDATE ON THE:**

SECTIONAL TITLES AMENDMENT BILL [B11B-2013]

31 OCTOBER 2013

1. INTRODUCTION

The Chairperson of the Local Government and Housing Portfolio Committee, Hon Errol Magerman, tables the Negotiating Mandate on the Sectional Titles Amendment Bill [B11B-2013] Section 76 as follows:

2. PROCESS FOLLOWED

The Deputy Speaker, Hon Uhuru Moiloa formally referred the Sectional Titles Amendment Bill [B11B-2013], a Section 76 Bill to the Portfolio Committee on Local Government and Housing, in terms of GPL Rule 252 read with 253, 254 and 255 for consideration and reporting.

On Friday, 25 October 2013, the National Department of Rural Development and Land Reform made a brief presentation to the Portfolio Committee on Local Government and Housing on the Bill. In the same meeting, the Portfolio Committee Researcher for Human Settlements provided an overview of the socio-economic impact of the Bill. This was followed by presentations from the Gauteng Provincial Legislature's NCOP and Legal Unit as well as the Gauteng Department of Human Settlements.

On Saturday, 26 October 2013, the Portfolio Committee convened a Public Hearing on the Bill. This public participation process was advertised in both the Sowetan newspapers,

Beeld and the Star Newspaper. This process assisted the Portfolio Committee in obtaining valuable inputs, which were indeed taken into consideration and informed this Negotiating Mandate.

On 31 October 2013, the Portfolio Committee deliberated and adopted the Negotiating Mandate on the Sectional Titles Amendment Bill [B11B-2013] Section 76.

3. PRINCIPLE OF THE BILL

The Sectional Titles Amendment Bill, 2013, seeks to amend the Sectional Titles Act, 1986 (Act No. 95 of 1986) ("the Act"), in order to, amongst others:

- Amend certain definitions;
- Further regulate notification of the intended establishment of schemes and the sale of units to lessees;
- Provide for the cancellation of registered sectional plans in a prescribed manner;
- Regulate the issuing of a certificate of registered sectional title in respect of a fraction of an undivided share in a section;
- Provide for the deletion of an obsolete reference;
- Provide for the registration of a transfer of a part of the common property with the consent of the owners of the sections and the holders of registered real rights;
- Provide for the endorsing of title deeds to reflect amended participation quota schedules;
- Regulate the alienation of a portion of land over which a real right of extension or part thereof is registered;
- Provide for the consent of holders of registered real rights over exclusive use areas to the alienation of common property;
- Provide for the cession of a mortgage real right of extension and a mortgage real right of exclusive use area;
- Provide for the cancellation of part of a section pursuant to an expropriation;
- Further provide for the consent of bondholders with the registration of a sectional plan of extension; and
- Provide for the issuing of more than one certificate of real right of extension and more than one certificate of real right of exclusive use area.

4. DETAILS OF THE BILL

The following are the details of the Bill clause by clause:

Clause 1

This clause deals with definitions of "architect", "developer" and "land surveyor" to be in line with current definitions of these professions in their respective laws. The definitions conform to the principles of legislative drafting.

Clause 2

This clause contains a proposed amendment to section 4 (3) of the principal Act and it is consequential to the amendment of the definition of "developer" in that it provides for the inclusion of an agent or any other person acting on any of the listed persons in the Act, to act on behalf of a developer. Clause 2 (a) and (b) aligns section 4 (3) of the Act with the amended definition of "developer".

This clause conforms to the principles of legislative drafting.

Clause 3

This clause proposes an amendment to section 14 of the Act by detailing a prescribed manner to be followed with the amendment and cancellation of sectional plans.

Clause 4

Clause 4 proposes the additions of new subsections to section 15B of the principal Act to include provisions in respect of the application by the owner of a section, and the lodgement and endorsement of the relevant bonds and title deeds.

Clause 5

Clause 5 (a) and (b) proposes inclusion of provisions in section 17 of the principal Act to deal with the lodgement of the consent of owners of sections and holders of registered rights over sections with the registration of transfer of a part of the common property. The proposed insertion of subsection (4C) is to make provision for mechanism for the alienation of a portion of the common property on which a real right of extension or part thereof is registered.

Clause 6

This clause makes and proposes an inclusion of provisions dealing with the cession of mortgaged real rights of extension and mortgaged real rights of exclusive use areas in section 18 of the principal Act.

Clause 7

This clause rectifies the lacuna in section 19 of the principal Act, of which the cancellation of the registration of part of a section pursuant to an expropriation is not provided for.

Clause 8

Clause 8 (a) amends section 25 (1) of the principal Act to provide for the consent of the bondholders that exist on that date of the taking of the unanimous resolution of the body corporate.

Clause 9

This clause proposes an amendment to section 27, to provide for the issuing of more than one certificate of real right extension and more than one certificate of real right of exclusive use areas at the opening of sectional title register.

Clause 10

Clause 10 contains the short title of the Act.

5. OVERVIEW OF THE PUBLIC HEARING

The public hearing was attended by a variety of stakeholders and their inputs and concerns are summarised as follows:

- 6.1. The Bill should look into the appointment of administrators by the Court as there is a loop hole of unaccountability as they are held responsible to account to the same Court, on the Audited Financials; Insurance; and Maintenance of the structure. This should ideally be done at end of the administration term.
- 6.2. It was also proposed that standard qualifications related to the Sectional Title Management Scheme such that the industry is uniform being similar to the one of the Estate Agency Affairs Board (EAAB). The latter is irrelevant to the Sectional Titles Management Scheme as the proposed Act was still to be operational.
- 6.3. Residents of developments such as the Kliptown Gold Course Flats, expect the Sectional Titles Bill to protect their rights as tenants. In the event of their death, their

funeral service should be held at the premises with a suitable, special designated special common area to accommodate the people attending the funeral.

- 6.4. Since hostels have been transformed into family units, it was proposed that the Sectional Titles Bill should address the lack of ownership by helping to select a committee which will represent the hostel residents (tenants) and be given the special skills of management by the relevant Department. This will assist in keeping the environment clean as tenants will be part of decision making.
- 6.5. The Bill should enable the Expropriation of real rights, land and mineral rights as there are instances where people own what is on the surface only whilst someone else owns the mineral rights.
- 6.6. This Sectional Titles Bill should address issues differently, making sure that African traditions and other groups concerns are being accommodated.
- 6.7. This Bill should address the challenge of the visitors' registers into some Sectional Titles areas such as flats because in some flats reception areas people are expected to produce the Green Bar Coded ID's, taking the country backwards into 'pass laws'.
- 6.8. The Bill should clearly define whether South African's only or and foreigners can own Sectional Titles Units.

Noting all the above submissions, the stakeholders supported the Sectional Titles Amendment Bill [B11B-2013]; and were given up to the 29th October 2013 to submit written submissions to the Portfolio Committee, with none received.

6. SOCIO-ECONOMIC IMPACT OF THE BILL

The Portfolio Committee noted that this Sectional Titles Amendment Bill, 2013 is a technical Bill favourable to Developers and their Agents. It would be welcome if it were to address the following issues that have direct socio-economic impact on communities in Gauteng but not limited to:

- One of the Department's Performance Indicators is the transfer of pre-1994 Housing stock through sub-sub-programmes such as the Enhanced Extended Discount Benefit Scheme (EEDBS), RETRO and TORPS. Most of the Housing Stock transferred and to be transferred is within Flats, Hostels and semi Detached Houses,

mostly in previously disadvantaged communities and townships. For instance, during the 2010/11 FY the Department had planned to transfer 12 000 Units to beneficiaries through the RETRO and TORPS Programmes, of which 9 594 Title Deeds were registered. At the time Approximately 300 properties in various townships of Soweto could not be transferred as they needed to be subdivided first. The communities should be made aware of the implications of this Amendment Bill, if any, on such processes, including the "Caveat" that posed a limitation to the transfer processes.

- Furthermore, there is Social Housing Rental Stock with the clause of 'rent to buy' as in the Kliptown Golf Course Development, are the proposed amendments an enabler in such an environment?. In such developments wherein part of the stock is RDP Give-away units whilst others would have paid for the ownership, there might be conflict in management. It is thus critical that the Sectional Titles Scheme Management Act as amended becomes operational as it seeks to establish the Ombuds for the purpose of attending to consumer conflicts. This Bill remains critical as it sought to re-locate Sectional Titles Schemes Management function, most of which is housing related to the Dept of Human Settlements and with Portfolio Committee (PC) concerns raised, it would also add value at Provincial Government level. This does contribute to the realisation of the BNG Strategy. The recommended regionalization within all provinces will also ensure accessibility by all those who need the services of registering Sectional Title Schemes development plans as the current function with the Deeds Registry has been not easily accessible.
- The introduction of this Amendment Bill might be an intervention in terms of expropriation and granting rights to Bond Holders being Sectional Title owners as it has mainly benefited the Body Corporates, with some having abused the powers that came with the responsibility and not consulting other Sectional Title Unit Owners.

On technical aspects of the Bill:

- The technical amendments in terms of the definitions of Architectures and Land Surveyors, this should translate into the improvement and quality assurance of the Housing Stock developed through these Sectional Title Schemes, as consumers have had complaints of structural defects such as cracks within the first year of occupation.

- It also regulates notification of the intended establishment of schemes and the sale of units to lessees and this should curb illegal or evictions without adequate notices given.
- The provision for the cancellation of registered sectional plans in a prescribed manner is also critical.
- It regulates the issuing of a certificate of registered sectional title in respect of a fraction of an undivided share in a section and this curbs abuse by practitioners.
- It provides for the registration of a transfer of a part of the common property with the consent of the owners of the sections and the holders of registered real rights which was not done in the past.
- The provision for the cancellation of part of a section pursuant to an expropriation will contribute to land release where there has been no development over some time, despite plans in place.
- It provides for the consent of bondholders with the registration of a sectional plan of extension so that they remain aware of changes within their residential territory.

7. FINANCIAL IMPLICATIONS OF THE BILL

The Memorandum stipulates that there are no financial implications.

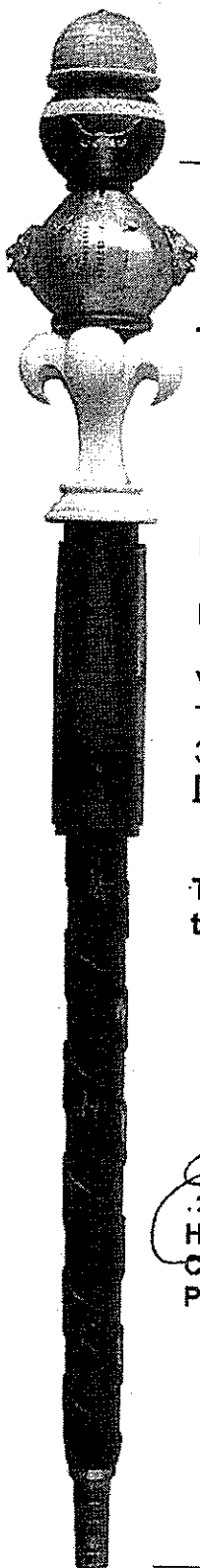
8. VIEWS OF EXECUTIVE AND THE GAUTENG DEPARTMENT OF LOCAL GOVERNMENT AND HOUSING

The Gauteng Department of Human Settlements support the Sectional Titles Amendment Bill [B11B-2013] taking into consideration the following comments:

- Effect body corporate definition "body corporate "means the body corporate as defined in the Sectional Titles Schemes Management Act" (Act No 8 of 2011).
- Align with Sectional Titles Schemes Management Act of 2011.

12. NEGOTIATING POSITION ADOPTED BY COMMITTEE

The Local Government and Housing Portfolio Committee supports the Principle and details on the Sectional Titles Amendment Bill [B11B-2013] taking into consideration on the recommendations proposed above.



IPHALAMENDE LAKWAZULU-NATALI

KWAZULU-NATAL PROVINSIALE PARLEMENT

KWAZULU-NATAL PROVINCIAL PARLIAMENT

NEGOTIATING MANDATE

TO: HON. AND QIKANI
CHAIRPERSON: SELECT COMMITTEE ON LAND AND
ENVIRONMENTAL AFFAIRS

NAME OF BILL: SECTIONAL TITLES AMENDMENT BILL

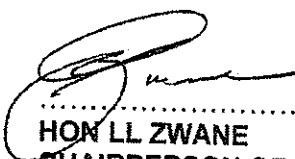
NUMBER OF BILL: B11B-2013

DATE OF DELIBERATION: THURSDAY, 31 OCTOBER 2013

VOTE OF THE LEGISLATURE:

The Portfolio Committee on Human Settlements met today, Thursday, the 31st of October 2013 to consider the Sectional Titles Amendment Bill [B11B-2013].

The Committee agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to support the Bill.


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HON. L.L. ZWANE
CHAIRPERSON OF HUMAN SETTLEMENTS
PORTFOLIO COMMITTEE

31/10/2013
.....
DATE



Office of the Chairperson

Portfolio Committee on Agriculture, Rural Development and Land Administration; Economic Development, Environment and Tourism

Enquiries: Hon RC Mahlobogoane

Email: RCMahlobogoane@mpuleg.gov.za

Tel. No: 013 766 1037/ 1402

NEGOTIATING MANDATE

To : The Chairperson: Select Committee on Land and Environmental Affairs

Name of the Bill : Sectional Titles Amendment Bill

Number of the Bill : [B11B - 2013]

Date of Deliberation : 31 October 2013

Vote of the Legislature :

The Portfolio Committee on Agriculture, Rural Development and Land Administration; Economic Development, Environment and Tourism (the Committee) supports the Sectional Titles Amendment Bill [B11B - 2013] and confers on the permanent delegate representing the Province of Mpumalanga in the National Council of Provinces, the mandate to negotiate in favour of the Bill. The observations of the Committee on the public participation process are contained in the attached report for consideration.

HON RC MAHLOBOGOANE (MPL)

2013. 10. 31

DATE

CHAIRPERSON: PORTFOLIO COMMITTEE ON
AGRICULTURE, RURAL DEVELOPMENT AND LAND ADMINISTRATION;
ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM

REPORT OF THE PORTFOLIO COMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT AND LAND ADMINISTRATION; ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM ON THE SECTIONAL TITLES AMENDMENT BILL [B11B - 2013]

1. INTRODUCTION

The Honourable Speaker of the Mpumalanga Provincial Legislature referred the **Sectional Titles Amendment Bill [B11B – 2013]** (the Bill) to the Portfolio Committee on Agriculture, Rural Development and Land Administration; Economic Development, Environment and Tourism (the Committee) for further processing and report back to the Legislature in accordance with Rule 185 of the Rules and Orders of the Mpumalanga Provincial Legislature.

The Committee was tasked to process the Bill before 05 November 2013 in order to provide the delegation representing the Province of Mpumalanga in the National Council of Provinces (NCOP) with the necessary mandate to negotiate on behalf of the Province in relation to the Bill.

2. BACKGROUND

The Sectional Titles Act, 1986 (the Act) needed to be amended in order to streamline certain processes within the property development industry, specifically the management of sectional titles to property. It was also deemed necessary to amend certain definitions within the industry such as "architect", "developer" and "land surveyor".

The Act needed to be aligned with what is actually taking place in the property development industry. These adjustments are meant to make the Act more relevant to those who are regulated by it.

The Bill has been through the consultation stage of national public hearings, which were conducted by the Department of Rural Development and Land Reform (DRDLR).

3. OBJECTS OF THE BILL

The objects of the Bill are:

- To amend the Sectional Titles Act, 1986, so as to amend certain definitions;
- To further regulate notification of the intended establishment of schemes and the sale of units to lessees;
- To provide for the cancellation of registered sectional plans in a prescribed manner;
- to regulate the issuing of a certificate of registered sectional title in respect of a fraction of an undivided share in a section;
- To provide for the deletion of an obsolete reference;
- To provide for the registration of a transfer of a part of the common property with the consent of the owners of the sections and the holders of registered real rights;
- To provide for the endorsing of title deeds to reflect amended participation quota schedules;
- To regulate the alienation of a portion of land over which a real right of extension or part thereof is registered;
- To provide for the consent of holders of registered real rights over exclusive use areas to the alienation of common property;
- To provide for the cession of a mortgage real right of extension and a mortgage real right of exclusive use area;
- To provide for the cancellation of part of a section pursuant to an expropriation; to further provide for the consent of bondholders with the registration of a sectional plan of extension;
- To provide for the issuing of more than one certificate of real right of extension and more than one certificate of real right of exclusive use area;
- And to provide for matters connected therewith.

4. METHOD OF WORK

The Committee interacted with the Bill as follows:

- a. The Honourable Speaker referred the Bill to the Committee for consideration and report back to the House.
- b. Thereafter the Committee met on 23 October 2013 for a briefing session on the Bill. Hon MP Sibande, a Permanent Delegate representing Mpumalanga in the NCOP briefed the Committee.
- c. The Committee resolved, in terms of Section 118 (1) of the Constitution, to conduct public hearings on the Bill. Public hearings were conducted on 30 October 2013 in all three districts of the Province.
- d. The Committee solicited public opinion on the Bill by interacting with the identified communities and stakeholders at the public hearings and also by inviting stakeholders to submit written comments on the Bill.
- e. Subsequently the Committee met on 31 October 2013 to consider its draft report and negotiating mandate on the Bill.

5. BRIEFING BY THE NCOP

- a. Hon MP Sibande briefed the Committee on the Bill's proposed amendments. He was accompanied by Mr George Tsotetsi, the Registrar of Deeds from the Department of Rural Development and Land Reform (DRDLR).
- b. Provincial stakeholders invited to the briefing session and public hearings:
 - Department of Agriculture, Rural Development and Land Administration
 - Department of Rural Development and Land Reform, Mpumalanga Office
 - Department of Human Settlements;
 - Cooperative Governance and Traditional Affairs (COGTA);
 - South African Local Government Association (SALGA);
 - Mpumalanga House of Traditional Leaders (MHTL)
 - Mpumalanga Economic Growth Agency (MEGA)

5.1. Overview of the Bill

Hon Sibande provided a political overview of the Bill and the reason for the amendments. After his overview, he requested Mr. George Tsotetsi from the Department of Rural Development and Land Reform (DRDLR) to unpack the key amendments as contained in the Bill.

- a. The DRDLR made a concise presentation which took the Committee clause by clause through the Bill.
- b. Thereafter the Committee interacted with the DRDLR on the key issues raised by the Bill, noting that the amendments were progressive and that it did not pose a challenge to any existing laws or the Constitution.

5.2. Interaction during the briefing

The Committee interacted with Hon Sibande and the DRDLR on the Bill. The following comments, concerns and clarity-seeking questions emanated from the interactions:

- a. The Bill will even be applicable to foreigners who are owning land and property in South Africa. Mr Tsotetsi clarified to the Committee that there is policy in place to allow foreigners to own land in South Africa.
- b. Clarity was sought by the Committee on what the Bill was saying about expropriation of common property. The Hon Member raised a question about what happens to bond holders of property that is expropriated by the State.
- c. During the deliberations, the DARDLA made an input that developers of new housing schemes must apply to the local municipalities so that they can be involved in the development and also supply basic services.

The DRDLR noted this proposal and directed the DARDLA to write to the Sectional Titles Board to raise this matter.

- d. The Committee noted that according to Clause 8, the "real right of extension" certificate referred to the developer, not the owner.

After the discussions, the Committee acknowledged that the Bill was progressive in relation to the further development of the property or real estate sector.

6. PUBLIC CONSULTATION PROCESS

6.1. Public Education and Public Hearings

The PPS (Public Participation Section) of the Legislature facilitated public education workshops a few days before the public hearings. The stakeholders were engaged and duly informed about the processes of the Legislature and the significance of the legislation at hand.

- a) An open invitation to the public hearings and a call for public comments on the Bill was published in national and regional print media. Interested and affected stakeholders were invited to submit written comments on the Bill on or before 01 November 2013.
- b) Targeted stakeholders such as real estate agents, conveyancers, law firms, organised business, private companies and banking institutions were invited to attend the public hearings and make written submissions.
- c) The advertisement appeared in the following publications during the week of 28 October 2013: The Lowvelder (whole province) and Daily Sun (whole province)
- d) The Bill was uploaded onto the Mpumalanga Provincial Legislature website at www.mpuleg.gov.za; an electronic version of the Bill was also emailed to interested and affected stakeholders.

The Committee facilitated public consultation on the Bill; the public hearings on the Bill took place on 30 October 2013 from 09:00 – 13:00 as follows:

DISTRICT	VENUE
Ehlanzeni	Mbombela Local Municipality, Nelspruit, Mpumalanga Provincial Legislature
Gert Sibande	Govan Mbeki Local Municipality, Secunda, Municipal Council Chamber
Nkangala	Emalahleni Local Municipality, Witbank, Lynville Community Hall

In addition to stakeholders invited to the briefing, invitations to public hearings were also sent to:

- Community members
- Lowveld Kruger Chamber of Business and Tourism
- South African Local Government Association (SALGA)
- Mpumalanga Provincial House of Traditional Leaders (MHTL)
- Executive Mayors, Speakers, Municipal managers, MMC's, ward councillors, ward committees and CDW's of the three local municipalities
- LED sections of the three targeted local municipalities
- Department of Agriculture, Rural Development and Land Administration (DARDLA)
- Department of Economic Development, Environment and Tourism (DEDET)
- Mpumalanga Economic Growth Agency (MEGA)

6.1.1. Stakeholder input during the public hearings

- a) The Committee Members who were deployed at the various public hearings engaged the public by explaining that the reason for the Legislature conducting public hearings was to involve the public in its legislative processes, according to Clause 118(1) of the Constitution of the Republic of South Africa.
- b) After explaining to the public the main objectives of the proposed Bill and its implications for the Province, the Committee Members then interacted with the public on the Bill.
- c) At each public hearing, the Committee ensured that the stakeholders in attendance understood the main objectives of the Bill and that their questions were responded to.

- d) In turn, the communities in each district were requested to give the Committee a mandate either in support of or not in support of the Bill.

PUBLIC HEARING AT EHLANZENI DISTRICT (NELSPRUIT)

The following matters were recorded:

- The proposed amended definitions in the Bill would be in line with the Sectional Titles Act of 1986 as well as the Geomatics Professions Bill, which has not yet been processed by the Committee.
- The Bill has significance for the developers of townhouse complexes and the owners of the units thereof.
- The Bill is not controversial, but it is very technical.
- The Chairperson requested the various stakeholder departments in attendance to make any inputs. These departments included DARDLA, COGTA, DHS, MEGA. They refrained, stating that they were in support of the Bill.

The two main issues raised by the members of the public at Nelspruit were:

- Clause 7, section 19: clarity was sought about expropriation and its implications.
- The attendee wanted to know if the Bill also related to property owners in the townships who would want to add rooms to their properties. The DRDLR clarified that such a matter was very complicated and should be undertaken through the local municipality to ensure that correct processes are followed.

On the whole, the attendees at the Nelspruit public hearing, agreed that the Bill should be supported. The Committee was given a mandate by the public to support the Bill.

PUBLIC HEARING AT GERT SIBANDE DISTRICT (SECUNDA)

The following matters were recorded:

- A question was raised on the rights of the community members in the sectional title scheme and why by-laws by the municipality were not implemented.
- It was clarified that a sectional title was regarded as a private property and the right of admission rested with the title holder and the body corporate.
- Another question was raised that when the state expropriate a property, was the compensation paid to the owner of the sectional title or the body corporate. It was clarified that the compensation was paid to the sectional title holder.

On the whole, the attendees at the Secunda public hearing, agreed that the Bill should be supported. The Committee was given a mandate by the public to support the Bill.

PUBLIC HEARING AT NKANGALA DISTRICT (WITBANK)

The following matters were recorded:

- The attendees raised concern about the challenges in terms of the social housing projects which are not part of the Bill, particularly the former hostels that have been converted into residential properties. The residents are only allowed to buy the properties after 15 years.

On the whole, the attendees at the Witbank public hearing, agreed that the Bill should be supported. The Committee was given a mandate by the public to support the Bill.

6.1.2. Written comments on the Bill

No written comments on the Bill were received from all three regions or from any other stakeholders by the due date.

7. COMMITTEE OBSERVATIONS

- a) After examining the Bill and considering the inputs from stakeholders, the Committee concluded that the Bill does not pose any challenges to the principles of the Constitution of the Republic of South Africa. It is highly technical, but not controversial.
- b) The Committee expressed its support for the objectives of the Bill in that the proposed amendments to the principal Sectional Titles Act, 1986 will enhance the regulatory environment for the property development sector.
- c) The public participation process was fruitful and the public in attendance at all three public hearings understood the significance of the Bill, engaged with the content thereof and thereby unanimously supported the Bill.

8. CONCLUSION

The Committee facilitated the involvement of the public in considering the Sectional Titles Amendment Bill [B11B-2013] by conducting public education workshops and public hearings in the targeted communities, as well as publishing a call for written comments on the Bill in five provincial newspapers. After considering all the inputs, the Committee also acknowledged its support for the Bill.

9. RECOMMENDATION

In light of the above conclusion, the Committee recommends that the House confers the necessary mandate upon the Permanent Delegate representing the Province of Mpumalanga in the NCOP to negotiate in favour of the Sectional Titles Amendment Bill [B11B - 2013] taking into account the Committee's observations in this report.


HON. RC MAHLOBOGOANE (MPL)

2013-10-31
DATE

CHAIRPERSON: PORTFOLIO COMMITTEE ON
AGRICULTURE, RURAL DEVELOPMENT AND LAND ADMINISTRATION;
ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM

NORTH WEST PROVINCIAL LEGISLATURE

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NEGOTIATING MANDATE

To:

Hon N A Qikani
Chairperson: Select Committee on Land &
Environmental Affairs

Name of Bill/question:

Sectional Titles Amendment Bill

Number of Bill/question:

[B11B - 2013]

Date of Deliberation:

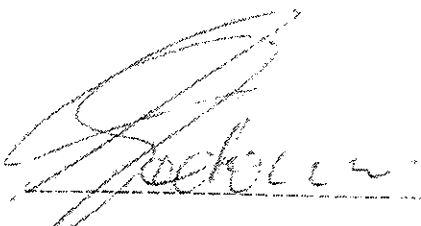
30 October 2013

Vote of Legislature:

The Department of Rural Development & Land
Reform must with the House of Traditional leaders in
North West to talk on issues on acquisition of land,
registration of deeds and agreements with
developers in the rural areas.

The Portfolio Committee on Agriculture & Rural
Development votes in favour and supports the Bill

The NCOP delegate is conferred with the authority
and mandate to negotiate in favour of the Bill.



Hon C Dodovu

Chairperson: Agriculture & Rural Development

04/11/2013
Date



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**JOINT COMMITTEE ON AGRICULTURE, LAND REFORM, RURAL DEVELOPMENT, ENVIRONMENT
AND CONSERVATION AND CO-OPERATIVE GOVERNANCE, HUMAN SETTLEMENT AND
TRADITIONAL AFFAIRS**

Hon AND Qikani
Chairperson: SC on Land and Environmental Affairs

NEGOTIATING MANDATE

Name of the Bill: Sectional Titles Amendment Bill

Number of the Bill: [B11B-2013]

Date of deliberation: 4 November 2013

Vote of the Legislature: The Committee votes in favour of the Bill

A. Beukes
HON AJ BEUKES
ACTING CHAIRPERSON

04 NOV 2013
DATE: _____

Negotiating Mandate



Northern Cape
Provincial Legislature

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Reference: 18.7.11

Enquiries: J Masingsi / Z Mitchell

NEGOTIATING MANDATE FOR THE SECTIONAL TITLES AMENDMENT BILL [B11B-2012]

(Section 76 Bill)

1. INTRODUCTION

The Chairpersons of the Joint Portfolio Committee on Agriculture, Land Reform, Rural Development, Environment & Conservation and Co-operative Governance, Human Settlement & Traditional Affairs, Hon NJ Galela and Hon GG Oliphant, tables the Committee's negotiating mandate on the *Sectional Titles Amendment Bill* [B11B-2013] as adopted by the Portfolio Committee on 04 November 2013.

2. PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the *Sectional Titles Amendment Bill* [B11B-2013] to the Joint Portfolio Committee on Agriculture, Land Reform, Rural Development, Environment & Conservation and Co-operative Governance, Human Settlement & Traditional Affairs on 30 September 2013.
- 2.2 On 25 October 2013, the Joint Portfolio Committee on Agriculture, Land Reform, Rural Development, Environment & Conservation and Co-operative Governance, Human Settlement & Traditional Affairs received a briefing on the Bill from the National Department of Rural Development and Land Reform and NCOP Permanent delegate Hon G Mokgoro.
- 2.3 The Portfolio Committee resolved at the meeting of 25 October 2013 to hold public hearings on the referred Bill, in the Frances Baard Region (Roodepan and Greenpoint), to solicit the views of communities and stakeholders with regard to the *Sectional Titles Amendment Bill* [B11B-2013]

The public hearings were held on 01 November 2013 as per Committee resolution and both written and oral submissions were called for. The public engaged with the Members of the Provincial Legislature in respect of the Bill.

On 04 November 2013, the Joint Portfolio Committee on Agriculture, Land Reform, Rural Development, Environment & Conservation and Co-operative Governance, Human Settlement & Traditional Affairs deliberated and considered the *Sectional Titles Amendment Bill* [B11B-2013]

3. STAKEHOLDERS' INPUTS ON THE BILL

None.

4. STAKEHOLDERS' POSITION ON THE BILL

The stakeholders voted in favour of the Bill.

5. COMMITTEE INPUTS ON THE BILL

None.

6. PORTFOLIO COMMITTEE POSITION ON THE BILL

After due deliberation, the Joint Portfolio Committee on Agriculture, Land Reform, Rural Development, Environment & Conservation and Co-operative Governance, Human Settlement & Traditional Affairs, supports the Bill.

7. COMMITTEE ADOPTION OF THE BILL

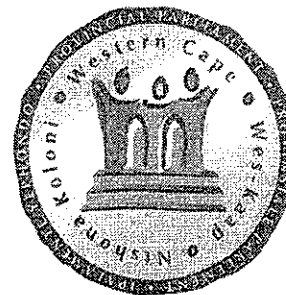
The Committee adopted this negotiating mandate duly signed by the Chairpersons of the Committee.

The Committee recommends to the House to mandate the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill taking note of the comments and recommendations raised by the Committee.


Hon AJ BEUKES
ACTING CHAIRPERSON

Date: 04.11.2013

Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente ye Phondo leNtshona Koloni
NEGOTIATING MANDATE



To: Hon. AND Qikani
Chairperson: Select Committee on Land and
Environmental Affairs

Name of Bill: Sectional Titles Amendment Bill

Number of Bill: [B11B-2013]

Date of deliberation: 23 October 2013

Vote of Legislature: The Standing Committee on Agriculture and
Environmental Planning begs to report that it confers
on the Western Cape's delegation in the NCOP the
authority to support the Bill without amendments

Signature

24-10-2013

Date

Hon. MC Walters

Chairperson: Standing Committee on Agriculture and Environmental
Planning

PARLIAM

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