



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 8 June 2023

No. 8108

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## Government Notice

### MINISTRY OF AGRICULTURE, WATER AND LAND REFORM

No. 165

2023

#### AMENDMENT OF THE SECTIONAL TITLES REGULATIONS: SECTIONAL TITLES ACT, 2009

Under Section 56(1) of the Sectional Titles Act, 2009 (Act No. 2 of 2009), on the recommendation of the Sectional Titles Regulation Board, I have amended the Section Titles Regulations as set out in the Schedule.

**C. H. G. SCHLETTWEIN**  
**MINISTER OF AGRICULTURE, WATER**  
**AND LAND REFORM**

Windhoek, 8 May 2023

### SCHEDULE

#### Definitions

1. In these regulations “the Regulations” means the Sectional Titles Regulations promulgated under Government Notice No. 223 of 31 October 2014.

## Substitution of Annexures 2 to 5 of Regulations

2. The following Annexures are substituted for Annexures 2 to 5 to the Regulations:

### “ANNEXURE 2

#### **FEEs OF OFFICE: DEEDS REGISTRY**

##### SECTIONAL TITLES ACT, 2009 (ACT NO. 2 OF 2009) (Regulation 32(1))

	N\$
1. For the opening of a sectional title register –	
(a) for the main file	400
(b) for each sub-file	70
2. For the registration of a sectional plan, a plan of subdivision of a section, a plan of consolidation of sections, a plan in respect of the extension of sections, a plan in respect of extension of schemes and a plan of exclusive use areas	400
3. For the cancellation of the registration of any sectional plan or exclusive use area	200
4. For the registration of a deed of transfer	400
5. For the registration of a bond securing immovable property	400
6. For the registration of any notarial lease	400
7. For the registration of any notarial cancellation or modification of any notarial lease	400
8. For the registration of a certificate of registered sectional title	400
9. For the registration of a deed of cession	400
10. For the registration of a notarial bond or a cession of a bond	400
11. For the registration of any notarial sublease and any notarial cession of any notarial lease or sublease	400
12. For the registration of any notarial cancellation or modification of a notarial lease	400
13. 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	200
14. For the cancellation or modification of a real right embodied in a notarial deed	200

15.	For each act of registration in relation to a sectional mortgage bond, of –	
	(a) a cancellation;	
	(b) a cancellation of a cession;	
	(c) a modification referred to in section 17(1)(c) of the Act	200
16.	For the cancellation of the registration of a section and the amendment of the sectional plan accordingly in terms of section 19(4) of the Act	200
17.	For the cancellation of sectional title deeds when the whole of land is transferred as referred to in section 19 of the Act, for each sectional title deed cancelled	200
18.	To revert land transferred pursuant to section 19 of the Act to the land register, including the noting of the reversion of 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 19(17) of the Act, for each such title deed above 10	650
19.	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	200
20.	For the making of a reference on the schedule referred to in section 11(3)(e) of the Act to special rules made for the control and management of a building or the addition, amendment or repeal of any rule	150
21.	For the making of an entry on a sectional plan of a notification referred to in section 52(1) of the Act	70
22.	For the making of an endorsement referred to in section 52(4) of the Act on the registered sectional plan and on the sectional title deeds of the owner of land –	
	(a) on the registered sectional plan	70
	(b) on each sectional title deed	70
23.	For a report to the court in connection with any application or action made by the registrar	300
24.	For a certified copy of –	
	(a) a deed, bond or document filed of record in a deeds registry and issued in terms of regulation 51 or 52 of the Deeds Registries Regulations made under the Deeds Registries Act, 1937 (Act No. 47 of 1937) and published in Government Notice No. 180 of 1 July 1996 (in this Annexure called “the Deeds Registries Regulations”), per deed, bond or document	115
	(b) a deed filed of record in a deeds registry and issued in terms of regulation 53 of the Deeds Registries Regulations, per deed	700

25.	For the registration of any notarial deed not provided for in this Annexure	200
26.	For any endorsement, note or act of registration not provided for	70
27.	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	200
28.	(a) For a search of any index to any register for each enquiry relating to a person, property or deed	40
	(b) for obtaining a computer print or transmission by facsimile of copies for each enquiry relating to a person, property or deed	40
	(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	40
	(d) for inspection of any one file	40
	(e) for any continuous search for information for each hour or part thereof	300
	(f) for any search not specially provided for, a fee to be determined by the registrar, provided that the minimum fees must be:	40
29.	For furnishing to a local authority council or a regional council or any private stakeholder or statutory body or organ of the state a return containing particulars of properties transferred or mortgage bonds, per property contained in such return	20
30.	For the examination and registration of any deed or document which has been rejected by the registrar of deeds and relodged by the conveyancer or notary public, as the case may be	250
31.	For the taxation of a bill of fees: 5 per cent (5%) of the fees allowed; excluding any disbursements for transfer duty, stamp duty and fees of office *EXEMPTION: No fees of office are payable in respect of the recording referred to in section 3(1)(w) of the Deeds Registries Act, 1937 (Act No. 47 of 1937)	

### ANNEXURE 3

#### **FEES OF OFFICE: SURVEYOR GENERAL**

##### SECTIONAL TITLES ACT, 2009 (ACT NO. 2 OF 2009) (Regulation 32(2))

		<b>N\$</b>
1.	(a) For the examination, approval and certification of a sectional plan, including the additional copies thereof as may be prescribed by law and certification of a plan which has been lodged by the land surveyor or the architect, as the case may be	2 500

	(b)	For the examination, approval and certification of a plan which has been rejected by the Surveyor-General and re-lodged by the land surveyor or the architect, as the case may be	1 250
2.	(a)	For the examination, approval and certification of a diagram of exclusive use area, irrespective of the number of copies required	500
	(b)	For the examination, approval and certification of a diagram which has been rejected by the Surveyor-General and re-lodged by the land surveyor	250
3.		For certifying a copy of a diagram of exclusive use area or sectional plan Submitted for certification, per sheet –	
	(a)	A4 Paper Size	80
	(b)	A3 Paper Size	100
	(c)	A2 Paper Size	120
	(d)	A1 Paper Size	140
	(e)	A0 Paper Size	160
4.		For faxing or emailing information on an A4 size sheet	50
5.		For the preparation of a report or statement intended to be used in legal proceedings.	925 per hour
6.		For any work or service not specified in this Annexure	925 per hour

*“N.B.” The fees prescribed under paragraph 1(b) and 2(b) are borne directly by Land Surveyors and Architects as punitive measures against sub-standard work. They must not be passed-on to clients.*

#### ANNEXURE 4

### TARIFF OF CONVEYANCING, NOTARIAL AND OTHER LEGAL PRACTITIONERS FEES

SECTIONAL TITLES ACT, 2009 (ACT NO. 2 OF 2009)  
(Regulation 33)

#### General

1. (1) The fees specified in this Tariff include the fees for all correspondence and also include the fees for –
  - (a) the taking and giving of instructions, including the perusal of deeds of sale;
  - (b) the preparation and attendance on signature of powers of attorney, declarations, affidavits, conveyancers' certificates, resolutions and other necessary preliminary and ancillary documents;

- (c) the payment of transfer duty and of any moneys due to the body corporate;
- (d) the obtaining or making of all clearance or other certificates;
- (e) the obtaining of endorsements or copies of documents from the office of the Master or other public offices;
- (f) the perusal of memoranda and articles of association, constitutions, identity documents and trust deeds;
- (g) the making of all necessary financial arrangements, including the provision and checking of guarantees and attending on payment in terms thereof;
- (h) 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;
- (i) the giving of all references required by the deeds registry; and
- (j) all attendances at the deeds registry, but does not include –
  - (i) 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;
  - (ii) any separate act or registration of any other documents which may be necessary before or in connection with the act of registration;
  - (iii) 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; and
  - (iv) any attendance arising from negotiations between the parties resulting in a further agreement or addendum or amendment to an existing agreement.

(2) If the work necessary to perform any act under the Act or these Regulations is partly performed by one legal practitioner, conveyancer, or notary (hereafter called “the instructed” legal practitioner, conveyancer, or notary), on the instructions received from another legal practitioner, conveyancer, or notary (hereafter called “the instructing” legal practitioner, conveyancer, or notary), both the instructed and instructing legal practitioner, conveyancer or notary are entitled to a fee, apportioned as set out in the relevant Part in item 2 and payable out of the total fee.

(3) If this Tariff provides for a specific or proportionate fee for lodgement, the fee is the fee payable by the instructing legal practitioner, conveyancer, or notary to the instructed legal practitioner, conveyancer, or notary, 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 the lodgement and registration and is 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 are deemed to be one word;
  - (b) “value of the property” means –
    - (i) if 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) if 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) if 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 council, village council, town council or municipal council or from the Master of the High Court), is available, the valuation or the consideration paid, whichever amount is the higher, provided that if no official valuation is available, it is considered 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 council, village council, town council or municipal council or other official valuation is available, the value is deemed to be not less than N\$200 000;
    - (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 the valuation.

## Fees

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

### Part I: Application for the opening of a sectional title register

- (a) For preparing and drawing an 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 11 of the Act, but excluding the drawing of the consents of bondholders or holders of other real rights, or searches in a deeds registry or other public office or of the rules of the body corporate:
  - (i) A basic fee of N\$ 3 000
  - (ii) For each section N\$ 300
  - (iii) If the instructed conveyancer also draws the certificate of registered sectional title, for each section N\$ 150

- (b) Apportionment of the fees set out in this Part:
- (i) For lodgement 20%
  - Plus for each section N\$ 40
  - If the instructed conveyancer also draws the certificate of registered sectional title, for each section N\$ 150
  - (ii) If the instructed conveyancer, in addition to the work contemplated in subparagraph (i), issues a certificate referred to in section 11(3)(b) of the Act, he or she is in addition to the fee prescribed in that paragraph, 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 a sectional title deed, the fee is as set out in of Schedule 1 to this Annexure in respect of the purchase price or value of the transaction as shown in that Schedule: Provided that in the case of a conveyance in terms 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 is 60% of the amount set out in of Schedule 1 of this Annexure.
- (b) For more than one section included in the same transaction, for each additional section an additional fee of N\$ 150

*(Note: If transfer of ownership is registered as a 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 is 60% of the relevant amount set out in of Schedule 1 of this Annexure.)*

- (c) Apportionment of the fees set out in paragraphs (a) and (b):
  - (i) For lodgement, of the total fee 20%
  - (ii) If the instructed conveyancer, in addition to the work contemplated in subparagraph (i), also prepares the deed of transfer referred to in section 17(10) of the Act, the conveyancer is in addition to the fee prescribed in that paragraph entitled to a further 60% 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 N\$ 3 000
- (b) For more than one section or subdivision transferred in any one deed of transfer, for each additional section or subdivision an additional fee of N\$ 100
- (c) Apportionment of the fees set out in paragraphs (a) and (b):
  - (i) For lodgement, of the total fee 20%

- (ii) If the instructed conveyancer, in addition to the work contemplated in subparagraph (i), also prepares the deed of transfer referred to in section 17(1) of the Act, the conveyancer is in addition to the fee prescribed in that paragraph entitled to a further 60% of the total fee.

**Part IV: Transfer by endorsement in terms of Administration of Estates Act, 1965**

- (a) For drawing all necessary documents, obtaining necessary ancillary documents, consents and certificates from the Master of the High Court, and all necessary attendances and correspondence in connection therewith, including obtaining registration N\$ 600
- (b) Apportionment of the fees set out in paragraph (a):
  - For lodgement 20%

**Part V: Subdivision, consolidation and extension of sections or schemes**

- (a) For drawing and submitting an application for sub-division and preparing certificates of registered sectional title, together with supporting documents, perusing plan of subdivision or consolidation, obtaining registration, correspondence and attendance on all matters referred to in section 22 and, in the case of a sub division of a section, section 23 of the Act, and in the case of extension of a section, section 25,26 or 27 of the Act, but excluding the drawing of the consents of bond holders or holders of other real rights N\$ 2 000
- (b) If subdivision into more than two sections is required, for each additional section N\$ 250
- (c) Apportionment of the fees set out in paragraphs (a) and (b):
  - For lodgement 20%
  - Plus for each section N\$ 100

**Part VI: Application for sectional title deed in respect of undivided share in unit**

- (a) For preparing a certificate of registered sectional title in respect of undivided share, including application, correspondence and attendances on all matters referred to in section 17(5) of the Act N\$ 1 400
- (b) Apportionment of the fees set out in paragraph (a) –
  - (i) for lodgement 20%
  - (ii) if the instructed conveyancer, in addition to the work contemplated in subparagraph (i), also draws the certificate of registered sectional title, the conveyancer is 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 19(3) of the Act N\$ 1 400

- (b) Apportionment of the fees set out in paragraph (a) –
  - (i) for lodgement 20%
  - (ii) if the instructed conveyancer, in addition to the work contemplated in subparagraph (i), also draws the certificate of registered sectional title, the conveyancer is 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 19(4) and (17) of the Act:
  - (i) A basic fee of N\$ 2 200
  - (ii) For each section N\$ 100
- (b) Apportionment of the fees set out in paragraph (a) –
  - (i) for lodgement 20%
    - Plus for each section 40%
  - (ii) if the instructed conveyancer, in addition to the work contemplated in subparagraph (i), also draws the documents referred to in section 19(4) and (17) of the Act N\$ 1 400
    - Plus for each section N\$ 100

#### **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 is as set out in Schedule 2 to this Annexure in respect of an amount of the bond as shown in that Schedule. Provided that for all bonds where the amount is N\$500 000 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 is 60% of the amount set out in Schedule 2 of this Annexure.
- (b) For any collateral bond passed as additional security for another bond between the same parties the fee is 60% of the fee set out in Schedule 2 to this Annexure.
- (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 N\$ 200
- (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, must 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, must 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 subparagraph (i), also signs the bond as preparer and files the same in the conveyancers' file in terms of regulation 36(1)(c), the conveyancer is in addition to the fee prescribed in that paragraph entitled to a further 50% of the total fee.

**Part X: Cession, cancellation or modification of bonds**

- (a) (i) For drawing a consent to cancellation of a bond, consent to cancellation of a cession of a 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 Annexure (not notarial) and attending registration thereof, including instructions, correspondence and all relevant attendances, except attendances at the office of the Master of the High Court N\$ 1 800
- Provided that in cases where there are no financial arrangements to be made by the conveyancer, the fee is N\$ 800
- (ii) For attending to all matters referred to in subparagraph (i) 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 the documents are or can be lodged simultaneously as a set, per bond N\$ 360
- (iii) For every additional unit included in a release contemplated in subparagraph (i) after the first two units, an additional fee of N\$ 200
- (b) For drawing a 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 N\$ 1 200
- Provided that in cases where there are no financial arrangements to be made by the conveyancer, the fee is N\$ 800
- (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 is 60% of the fees for bonds as set out in Schedule 2 of this Annexure.
- (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 N\$ 120

- (e) If it is necessary to attend the office of the Master of the High Court in connection with any matter referred to in subparagraph (i) of paragraph (a) or (b), the following additional fees are allowed:
- (i) for obtaining any certificate of the Master of the High Court, per estate for any number of such certificates which are or can be applied for simultaneously N\$ 470
  - (ii) for obtaining copies of all necessary documents which are or can be included in one application, per estate N\$ 300
- (f) For drawing consents to substitutions in terms of section 24bis(3), 45(2)(b) or 45bis(2) of the Deeds Registries Act, 1937 (Act No. 47 of 1937) including instruction, all attendances on mortgagee and new debtor, correspondence and miscellaneous attendances, including registration but excluding attendances at the office of the Master of the High Court N\$ 1 200
- Provided that in cases where there are no financial arrangements to be made by the conveyancer, the fee is N\$ 800
- (g) Apportionment of the fees set out in this Part –
- (i) for lodgement 20%
  - (ii) for each further bond N\$ 150

#### Part XI: Notarial Deeds

- (a) For framing any notarial lease, sublease, servitude or other notarial deed and obtaining registration thereof, a fee assessed according to the length and complexity thereof, with a minimum fee of N\$ 2 300
- (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 and obtaining registration thereof N\$ 2 300
- (c) Apportionment of fees set out in this Part –
- (i) for lodgement, of the total fee 20%
  - (ii) if the instructed notary, in addition to the work contemplated in subparagraph (i), also executed the deed as notary, he or she is entitled to 60% of the total fee.

#### Part XII: Miscellaneous

- (a) For attendance on behalf of a 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) if the value of the property or the amount of bond does not exceed N\$200 000 N\$ 460

	(ii)	if the value of the property or the amount of the bond exceeds N\$200 000	N\$ 920
(b)	(i)	For attendance and searching at the deeds registry 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 Annexure, including instructions, correspondence and relevant attendances, per quarter hour or part thereof	N\$ 260
	(ii)	Reporting per folio	N\$ 100
	(iii)	For attendance and searching at the 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	N\$ 260
	(iv)	Reporting per folio	N\$ 100
(c)		For drawing any certificate by a conveyancer with regard to servitudes, other real rights or conditions if not otherwise provided for in this Annexure	N\$ 220
(d)		For drawing a certificate of establishment of any body corporate under section 38(1) of the Act, lodging the same, including all correspondence and attendances in connection therewith	N\$ 220
(e)		For drawing a consent required in terms of section 26 of the Act, including all correspondence and attendances in connection therewith, including lodging	N\$ 1 200
(f)		For any matter not herein provided, the fee charged in respect thereof, and the apportionment of the fee is in accordance with the tariff of fees prescribed by regulation 65 of the Deeds Registries Regulations.	
(g)		Apportionment of fees set out in this Part:	
	(i)	In respect of paragraphs (a), (b) and (c): <i>(Remark: Note 2 below may apply in circumstances contemplated in that note)</i>	(No apportionment)
	(ii)	In respect of paragraph (d):	
		For lodgement	N\$ 60
		For drawing certificate and lodgement	N\$ 120
	(iii)	In respect of paragraph (e):	
		For lodgement	N\$ 120
<b>(Note: 1.</b> <i>Fees and percentages specified are nett and are not subject to any allowance, the customary one-third allowance having been taken into account in the apportionments.</i>			

2. *If 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 is as a general rule entitled to 15% and the latter to 85%, of the total fee).*

#### **Application of fees for preliminary work**

3. If 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 must pay the latter from his or her share of the fees, the following:

- |     |   |         |
|-----|---|---------|
| (a) | For obtaining all necessary endorsements from the Master of the High Court for any number of certificates which are or can be applied for simultaneously, per estate  | N\$ 240 |
| (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 | N\$ 75  |
| (c) | For obtaining a clearance or other similar certificate from a public or local authority or a body corporate, per certificate  | N\$ 120 |
| (d) | For attending to the payment of transfer duty, stamp duty and obtaining endorsements of certificates referred to in section 17 of the Act                             | N\$ 120 |
| (e) | For any other attendance, per half hour or part thereof   | N\$ 120 |
| (f) | For drawing any document, per folio or part thereof   | N\$ 60  |
| (g) | For perusing and certifying guarantee for payment   | N\$ 120 |

*(Note: The above fees are nett and are not subject to any allowance, the customary one-third allowance having been taken into account).*

#### **Wasted costs**

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

- |   | <b>Total fee</b> |
|---|------------------|
| (a) For attendances on taking instructions and planning of the 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 a deed for execution or document of registration, an additional 10% of prescribed fee | 80% |
| (f) | For lodgement, an additional 10% of prescribed fee  | 90% |

### **Application of this tariff**

3. (1) The fees referred to in –
  - (a) Schedule 1 below are payable in respect of the conveyance of immovable property;
  - (b) Schedule 2 below are payable in respect of the registration of mortgage bonds.
- (2) This tariff of fees applies only in relation to any act –
  - (a) in respect of which the fees referred to in this tariff are payable; and
  - (b) which is performed by a legal practitioner, conveyancer or notary public 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**

The fees for registration of immovable property are as follows:

- (a) where the value of the property is less than N\$100 000, the fee is N\$3000;
- (b) where the value of the property is N\$100 000 or more, but less than N\$300 000, the fee is N\$4 500;
- (c) where the value of the property is N\$300 000 or more, but less than N\$500 000, the fee is N\$6 000;
- (d) where the value of the property is N\$500 000 or more, but less than N\$600 000, the fee is N\$6 800;
- (e) where the value of the property is N\$600 000 or more, but less than N\$1000 000, the fee is N\$10 260 plus N\$1 200 per N\$100 000 or part thereof above N\$600 000;
- (f) where the value of the property is N\$1000 000 or more, but less than N\$5 000 000, the fee is N\$16 260 plus N\$1 200 per N\$200 000 or part thereof above N\$1 000 000;
- (g) where the value of the property is N\$5 000 000 or more, the fee is N\$40 260 plus N\$1 600 per N\$500 000 or part thereof above N\$5 000 000.

### **SCHEDULE 2**

The fees for the registration of a bond are as follows:

- (a) where the amount of the bond is less than N\$100 000, the fee is N\$2 500;
- (b) where the amount of the bond is N\$100 000 or more, but less than N\$300 000, the fee is N\$3 500;

- (c) where the amount of the bond is N\$300 000 or more, but less than N\$500 000, the fee is N\$5 000;
- (d) where the amount of the bond is N\$500 000 or more, but less than N\$600 000, the fee is N\$6000;
- (e) where the amount of the bond is N\$600 000 or more, but less than N\$1 000 000, the fee is N\$10 000 plus N\$1 000 per N\$100 000 or part thereof above N\$600 000;
- (f) where the amount of the bond is N\$1 000 000 or more, but less than N\$5 000 000, the fee is N\$15 000 plus N\$ 1 000 per N\$200 000 or part thereof above N\$1 000 000;
- (g) where the amount of the bond is N\$5 000 000 or more, the fee is N\$35 000 plus N\$1 400 per N\$500 000 or part thereof above N\$5 000 000.

***Note:** The above recommended tariff of fees is exclusive of VAT and office fees.*

#### ANNEXURE 5

#### **FEES PAYABLE TO LAND SURVEYORS AND ARCHITECTS FOR PREPARATION OF DRAFT SECTIONAL PLAN, SECTIONAL PLAN OR OTHER PLAN**

SECTIONAL TITLES ACT, 2009 (ACT NO. 2 OF 2009)  
(Sections 6 and 26, Regulation 34(1))

1. For Sheet 1:

An amount of N\$3 730, plus –

- (a) N\$150 per building being described;
- (b) N\$150 for a caveat, if applicable; and
- (c) N\$375 for each reference to previous phases, if applicable.

2. For Sheet 2 (Block Plan), excluding the determination of cadastral boundaries:

An amount of N\$3 730, plus –

- (a) N\$352 per building depicted thereon;
- (b) N\$14 per square metre of the total area of the depicted common property buildings;
- (c) N\$2 140 if exclusive use areas on the ground are depicted on this sheet.

***Note:** For the determination of the cadastral boundaries and the placement/relocation of the property beacons the recommended Land Survey Act tariff is applicable.*

3. For floor plans:

An amount of N\$3 730, plus N\$18 per square metre for all sections of floor area as depicted on the participation quota schedule plus the amounts under item 4.

4. For the participation quota schedule:

An amount of N\$3 995, plus N\$150 per section depicted thereon.

5. For exclusive use plans:

- (a) For exclusive use areas where the boundaries thereof are determined by buildings or physical features:

An amount of N\$3 145 per exclusive use area sheet, plus N\$22 per square metre of the total area of the depicted exclusive use areas.

- (b) For exclusive use areas where the boundaries thereof are neither determined by buildings, nor physical features:

An amount of N\$3 145 per exclusive use area sheet, plus N\$40 per square metre of the total area of the depicted exclusive use areas.

**Note:** For exclusive use areas which are bigger than 200 square metres, the recommended Tariff of Fees published for work done in terms of the Land Survey Act is applicable in respect of the determination of this amount.

6. For cross-sections:

An amount of N\$3 130 per building where cross-sections are considered necessary, plus –

- (a) N\$198 per floor shown on such cross-sections; and  
(b) N\$16 per section depicted thereon.

7. For any matter relating to the preparation of a draft sectional plan not herein mentioned, the following fees are charged:

- (a) For a principal or partner, N\$925 per hour;  
(b) For qualified staff, N\$775 per hour;  
(c) For unskilled staff, N\$650 per hour.

8. General:

8.1 The fees referred to in paragraphs 1 to 7, inclusive, may be increased or decreased by up to 20% depending on the ease or difficulty of access, regular or irregular buildings, curvilinear, walls or obstructions.

8.2 Direct expenses incurred, such as plan printing costs and material and dispatching costs may be recovered at cost plus 10%.

8.3 Travelling and subsistence costs must be charged according to the Land Survey Act.

**Note:** 1. The above recommended tariff of fees is exclusive of VAT and office fees.

2. The fees specified include the taking of instructions and attendance in the office of the Surveyor General or the office of the local authority.”.

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