

HYPOTHECATION ACT, 1977
(40 of 1977)

HYPOTHECATION (AMENDMENT) (NO. 2) REGULATIONS, 1979
(Published on 30th March, 1979)

ARRANGEMENT OF REGULATIONS

REGULATIONS

- 1. Citation
- 2. Amendment of regulation 4 of S.I. 55 of 1978

IN EXERCISE of the powers conferred by section 14 of the Hypothecation Act, 1977, the Minister of Finance and Development Planning hereby makes the following Regulations —

- 1. These Regulations may be cited as the Hypothecation (Amendment) (No. 2) Regulations, 1979. Citation
- 2. The Hypothecation Regulations, 1978, are hereby amended — Amendment of regulation 4 of S.I. 55 of 1978
 - (a) by the addition, immediately after paragraph (c) of regulation 4, of the following new paragraph —
 - “(d) the form of a deed of hypothecation and certificate of indebtedness required by sections 3 and 12 shall be in Form 4 as set out in the Schedule.”; and
 - (b) by the addition, immediately after Form 3 to the Schedule, of the following new Form —

“ Form 4

HYPOTHECATION ACT, 1977 (s. 12)
(40 of 1977)

HYPOTHECATION REGULATIONS, 1978
(S.I. 55 of 1978)

DEED OF HYPOTHECATION AND CERTIFICATE OF INDEBTEDNESS

KNOW ALL MEN WHOM IT MAY CONCERN

THAT WHEREAS on the _____ day of _____ 19 _____, (hereinafter referred to as “the Authorized Creditor”) and _____ (hereinafter referred to as “the Hypothecator”) residing at _____ and whose date of birth is _____ or, if this is not known, the approximate age is _____ years,

concluded an agreement in terms of which the Hypothecator is indebted to the Authorized Creditor in certain sums of money, in terms of which agreement it was agreed that the Hypothecation Act would apply to the said agreement.

NOW THEREFORE the Authorized Creditor, acting through his duly authorized servant or agent, and the Hypothecator do hereby certify as correct a document as referred to in sections 3 (2) and 12 of the Act, as follows –

1. The full names, place of residence, postal address and date of birth or approximate age of the said Hypothecator are set out above.
2. The place of signature of the above document is
3. It is hereby acknowledged that the Authorized Creditor has, through his duly authorized servant or agent, explained fully to the Hypothecator the legal effect of making this Deed of Hypothecation, subject to the provisions of the said Act, and the Hypothecator hereby acknowledges himself to have fully understood the explanation and the legal effect of the said agreement, subject to the provisions of the said Act.
4. Where appropriate, the forms prescribed by the Hypothecation Regulations have been completed and signed, and the effect of each form is fully understood by the Hypothecator.
5. Under this clause the Authorized Creditor shall specify below the method of repayment which, by signature of this document, the Hypothecator agrees to observe –

.....
.....
.....

Provided that, if the Hypothecator fails to observe or carry out any of the terms of the agreement, and, in particular, the method of repayment specified above, the Authorized Creditor may take action in accordance with section 9 of the Act.

*6. It is further certified and acknowledged that, in terms of the said agreement, the terms of section 3 of the Act apply and the following assets of the Hypothecator are subject to hypothecation to the Authorized Creditor in terms of the said section –

.....
.....

*7. That in terms of the said agreement the following –

.....
.....
may only be sold by the Hypothecator to any of the following buyers –

<i>Name</i>	<i>Address</i>
.....

and, in the case of livestock or other property described below, it should bear the brand or stamp required by the Authorized Creditor —

.....
.....

8. Signed and certified as correct in accordance with the Hypothecation Act —

.....
.....

DATED and executed by the Authorized Creditor at

this day of , 19

.....
Authorized Creditor

Witnesses:

1.

2.

DATED and executed by the Hypothecator at

this day of , 19

.....
Hypothecator

Witnesses:

1.

2.

Official Stamp

Registrar

*Delete if inapplicable *.

MADE this 21st day of March, 1979.

B. GAOLATHE,
Permanent Secretary,
Ministry of Finance and Development Planning.

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