



# Government Gazette

**REPUBLIC OF SOUTH AFRICA**

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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

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**GOVERNMENT NOTICE**  
**GOEWERMENTSKENNISGEWING**

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**DEPARTMENT OF LAND AFFAIRS**  
**DEPARTEMENT VAN GRONDSAKE**

No. R. 1096

23 September 2004

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

In terms of section 9(9) of the Deeds Registries Act, 1937 (Act No. 47 of 1937), I, Angela Thokozile Didiza, Minister for Agriculture and Land Affairs, approve the regulations contained in the Schedule, made by the Deeds Registries Regulations Board under section 10 of the said Act. The regulations will come into operation one month from the date of publication hereof in the *Gazette*.

  
A.T. DIDIZA

**MINISTER FOR AGRICULTURE AND LAND AFFAIRS**

**SCHEDULE**

**Definitions**

1. In this Schedule "the Regulations" means the regulations promulgated by Government Notice No. R.474 of 29 March 1963, as amended.

**Amendment of regulation 20**

2. Regulation 20 of the Regulations is hereby amended by the deletion of subregulation (3).

## Amendment of regulation 51

### 3. Regulation 51 of the Regulations is hereby amended-

(a) by the substitution for subregulation (1) of the following sub-regulation:

“(1) Where it is sought to deal with immovable property, the title deed of such property shall, save as provided in the Act and in sub-regulation (2) hereof, be produced and be mentioned in the deed dealing with such property. It shall, however, not be necessary, unless the Registrar so requires, to produce any deed by which the property was previously held, whether such deed be the diagram deed or any intermediate deed, nor shall the Registrar be required to endorse thereon any record of subsequent dealings with the property.”;

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

“(2) Where immovable property is to be transferred or ceded in execution of the judgment of any competent court by the officer appointed by law, or by such court, or where such immovable property is to be transferred or ceded by an officer appointed in terms of a law pertaining to insolvency or by an executor referred to in section 56(1)(b) of the Act, it shall not be necessary to produce the title deed of such property if such officer or executor certifies in writing that he or she has been unable to obtain possession of such title deed: Provided that where the duplicate original of such title deed filed of record in a Deeds Registry has been lost or destroyed it shall be necessary for such officer or executor to obtain a certificate of registered title under the provisions of section thirty-eight of the Act, for which purpose such officer or executor shall be regarded as the owner of the immovable property: Provided further that in the case of a transfer of immovable property by virtue of the second proviso of section 16, the above provisions shall not apply.”; and

(c) by the deletion of subregulation (3).

**Amendment of Regulation 68**

4. Regulation 68 of the Regulations is hereby amended by the insertion after subregulation (1A) of the following subregulations :

“(1B) If a Registrar is satisfied that any deed referred to in subregulation (1) has been inadvertently lost, destroyed, defaced or damaged by him or her, the Registrar shall, notwithstanding the provisions of subregulations (1A) and (2), issue a copy thereof upon submission of an application and an affidavit by the relevant conveyancer or person contemplated in section 15A(1) and (2) of the Act.

(1C) The provisions of subregulation (1B) shall apply *mutatis mutandis* in respect of any deed referred to in subregulation (1), that has for any reason become unserviceable.

(1D) The provisions of subregulation (1A) are not applicable to a deed in respect of land which is held by the Minister of Land Affairs –

- (a) in trust for any person or persons;
- (b) for any nominee or nominees;
- (c) for or on behalf of any other person or persons,

and which is registered in the name of the State, a Minister or any official of the State; or

- (d) to land which is administered by the Minister of Land Affairs.”.

**Amendment of Regulation 71**

5. Regulation 71 of the Regulations is hereby substituted by the following regulation:

“71 No preparation, lodgment or registration of deeds or other documents shall be done in a Deeds Registry by means of correspondence.”.