
GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM DEPARTEMENT VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING

No. R. 195

14 March 2013

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, Gugile Ernest Nkwinti, Minister of Rural Development and Land Reform, hereby approves the regulations contained in the Schedule as 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*.



NKWINTI, G E (MP)

MINISTER OF RURAL DEVELOPMENT AND LAND REFORM

SCHEDULE

Definitions

1. In this Schedule “the Regulations” mean the Regulations promulgated by Government Notice No. R. 474 of 29 March 1963, as amended.

Substitution of regulation 29

2. The following regulation is hereby substituted for regulation 29 of the Regulations:

“29. In the description of immovable property in a deed or bond the extent thereof shall be expressed in words and figures.”.

Amendment of regulation 43

3. Regulation 43 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“43. (1) Every deed of transfer, certificate conferring title to immovable property, deed of cession referred to in section 32 of the Act or mortgage bond shall be prepared by a conveyancer, who shall make and sign a certificate in the undermentioned form in the upper right hand corner on the first page of the document concerned:

Prepared by me

.....

CONVEYANCER

.....

(State full name and surname in block letters)”.

Amendment of regulation 44

4. Regulation 44 of the Regulations is hereby amended-

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

“(1) Subject to the provisions of subregulation (3), any power of attorney, application or consent required for the performance of an act of registration in a Deeds Registry and any agreement of partition referred to in section 26 of the Act executed after the coming into operation of this regulation and tendered for registration or filing of record in a Deeds Registry, shall be prepared by a practicing attorney (not necessarily practicing in the province in which such Deeds Registry is situate), notary or conveyancer, who shall make and sign a certificate in the undermentioned form in the upper right hand corner on the first page of the document concerned:

Prepared by me

.....
 ATTORNEY/NOTARY/CONVEYANCER
 (Use whichever is applicable.)

.....
 (State full name and surname in block letters)”; and

(b) by the substitution for subregulation (5) of the following subregulation:

“(5) When a certificate referred to in subregulation (1) is signed by an attorney or notary, the fact that the signatory is a practicing attorney or notary shall be confirmed by a practicing conveyancer, who shall countersign the certificate by making and signing the following certificate thereon:

Countersigned by me

.....
CONVEYANCER

.....
(State full name and surname in block letters)".

Amendment of regulation 44A

5. Regulation 44A of the Regulations is hereby amended—

(a) by the substitution for paragraph (d)(ii)(aa) of the following paragraph:

“(aa) the necessary authority has been obtained for the signing of such document in a representative capacity on behalf of a company, close corporation, church, association, society, trust or other body of persons or an institution whether created by statute or otherwise;” and

(b) by the substitution for paragraph (d)(ii)(bb) of the following paragraph:

“(bb) the transaction as disclosed therein is authorized by and in accordance with the constitution, regulations, or founding statement or trust instrument of a trust, as the case may be, of any church, association, company, close corporation, society, trust, or other body of persons, or any institution (whether created by statute, including a foreign statute or otherwise) being a party to such document.”.

Amendment of regulation 61

6. Regulation 61 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

“(2) A Registrar may accept for registration a unilateral notarial deed of (a) cancellation of *fideicommissum* by the *fideicommissary* heirs, (b) cession of a personal servitude mentioned in section 66 of the Act, and (c)

cessions of trading rights, by the holder of such servitude or rights, provided that such deed does not impose any obligations upon the owner of the land in case of (a) or upon a cessionary in the case of (b) or (c).”.

Amendment of regulation 68

7. Regulation 68 of the Regulations is hereby amended-

(a) by the deletion of subregulation (11A); and

(b) by the insertion after subregulation (11) of the following subregulations:

“(11B) (a) The registered holder of a mortgage or notarial bond, or his or her duly authorised agent, who desires to procure cancellation of such bond which has been lost or destroyed and of which the registry duplicates has also been lost or destroyed, must at own expense publish (in the prescribed form) notice of intention to apply for the cancellation of the registration of such bond, in two consecutive ordinary issues of the *Gazette*.

(b) The notice of intention referred to in paragraph (a) must call upon any interested person to furnish the Registrar at the deeds registry in which the bond is registered, with an objection, if any, to the cancellation of the registration of the bond within a period of six weeks after the date of the first publication of the notice in the *Gazette*.

(11C) Where after the expiry of the six-week period referred to in subregulation (11B)(b), the registered holder of the bond, or his or her duly authorised agent, has lodge with the Registrar within a further period of six weeks, a consent to cancellation of the registration of the relevant bond, and has complied with the necessary changes with the provisions of subregulations (1), (2) and (3) of this regulation, the Registrar shall, if satisfied that no good reason to the contrary exists, endorse such consent to indicate the cancellation of the bond, and the endorsed consent shall be deemed to be a cancellation of the bond notwithstanding that the original or registration duplicate of the bond was not submitted for cancellation.”.

Amendment of regulation 73

8. Regulation 73 of the Regulations is hereby amended by the deletion of subregulation (2A).

Substitution and addition of forms

9. The Regulations are hereby amended-

(a) by the substitution for the certificate in forms D, E, F, G, H, I, J, L, M, N, O, Q, R, V, Z, KK, LL, PP, QQ, RR, SS, YY, EEE, and FFF of the following certificate:

“Prepared by me

.....

CONVEYANCER

.....

(State full name and surname in block letters)”;

(b) by the substitution for form K of the following form:

“ Form K

*** LOST / DESTROYED / INCOMPLETE / UNSERVICEABLE TITLE DEED**

(Form of publication in terms of section thirty-eight of the Act.)

Notice is hereby given that under the provisions of section thirty-eight of the Deeds Registries Act, 1937, I, the at intend to issue a Certificate of Registered Title in lieu of (here describe the deed) No. dated

..... passed by (here insert the name of the transferor) in favour of (here insert the name of the person in favour of whom the deed was passed) in respect of certain (here insert the description of the property) which has been * lost, destroyed, incomplete or unserviceable. All persons having objection to the issue of such Certificate are hereby required to lodge the same in writing with the at within six weeks after the date of the first publication in the Gazette.

Dated at this day of

Registrar of Deeds

* Delete whichever is inapplicable”;

- (c) by the substitution for the certificate in Forms T, W, MM, VV, WW and BBB, of the following certificate:

“Prepared by me

.....
ATTORNEY/NOTARY/CONVEYANCER
(Use whichever is applicable.)

.....
(State full name and surname in block letters)”;

- (d) by the substitution for form SS of the following form:

“Form SS

Prepared by me

.....

Conveyancer

.....

(State full name and surname
in block letters.)

CERTIFICATE OF REGISTERED TITLE

[Issued in terms of section 43A (1) of the Deeds Registries Act, 1937 (Act 47 of 1937)]

Whereas, in terms of section 14(7)/14(8)/49(4)(b) of the Sectional Titles Act, 1986, the land held by, (disclose nature of title deed) No. dated, has reverted to the land register.

Now, therefore, in terms of the said section, I, the Registrar at do hereby certify that the said is the registered owner of (describe the land giving name, number, registration division, administrative district and extent and refer to the diagram of the land where such diagram is annexed or the original diagram deed relating to the land and set out the conditions of title) and that he/she/it is entitled thereto, the State, however, reserving its rights.

Signed at, on, and confirmed with my seal of office.

.....

Registrar of Deeds

(If required, add a registration clause approved by the Registrar.);

- (e) by the substitution for the certificate in Forms CCC and DDD of the following certificate:

“Prepared by me

.....

CONVEYANCER / AUTHORISED OFFICER

.....

(State full name and surname in block letters)”; and

(f) by the addition of the following form:

“FORM III

**Notice of intention to apply for the cancellation of the registration
of a lost / destroyed bond**

*[By virtue of regulation 68(11B) of the Deeds Registries Act, 1937 (Act 47 of
1937)]*

Notice is hereby given that it is the intention to apply for the cancellation of the registration of (here insert the bond code, number and year), registered on passed by for the amount of in favour of, in respect of certain (here insert the description of the property), which bond has been lost or destroyed, and of which the registration duplicate has also been lost or destroyed.

All persons having objection to the cancellation of the registration of such bond are hereby required to lodge same in writing with the Registrar of Deeds at the deeds registry in which the bond is registered, within a period of six weeks after the date of the first publication of this notice,*being / this being the first publication.

Dated at this day of
.....

.....
Signature of registered holder of the bond, or his or her duly authorised
agent

*State date of publication of first notice/ delete whichever is not
applicable”.

Short title

10. These regulations shall be known as the Deeds Registries Amendment
Regulations, 2013.