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THE PRESIDENCY

No. 600 30 April 2003

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 9 of 2003: Deeds Registries Amendment Act, 2003.



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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 23 April 2003.)

ACT

To amend the Deeds Registries Act, 1937, so as to make further provision regarding the registration of immovable property in the names of persons married under the Recognition of Customary Marriages Act, 1998; and to provide for the registration of immovable property in the name of a trust; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 17 of Act 47 of 1937, as substituted by section 29 of Act 88 of 1984 and amended by section 1 of Act 75 of 1987, section 9 of Act 14 of 1993, by section 1 of Act 132 of 1993, section 2 of Act 11 of 1996 and section 12 of Act 120 of 1998 5

1. Section 17 of the Deeds Registries Act, 1937, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) Where immovable property, a real right in immovable property, a bond or a notarial bond— 10

- (a) is registered in the name of a person who has married since the registration took place; **[or]**
- (b) is registered in the name of a person who on the date of the registration was married out of community of property or whose marriage was on that date governed by the law of another country, and whose marriage was subsequently dissolved by death or divorce; **[or]** 15
- (c) forms an asset in a joint estate and was registered **[prior to 1 November 1984]** in the name of the husband only; **or**
- (d) is registered in the name of a person who on the date of the registration was a party to a marriage governed by the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), 20

the registrar shall on the written application by the person concerned and on the submission of the deed in question and of proof of the relevant facts, endorse the change in status or make a note to the effect that the said person is a party to a marriage in community of property, as the case may be: Provided that where there are two or more mutually dependent deeds, all such deeds must be submitted for endorsement: Provided further that in the case of an order of court envisaged in section 7(9) of the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 25

1998), the registrar shall, on submission of the relevant deed and court order and without the necessity for a written application, make the endorsement or note.”.

Amendment of section 102 of Act 47 of 1937, as amended by section 12 of Act 3 of 1972, substituted by section 22 of Act 27 of 1982, section 4 of Act 75 of 1987, amended by section 9 of Act 62 of 1984, substituted by section 7 of Act 3 of 1988, inserted by section 22 of Act 113 of 1991, substituted by section 9 of Act 11 of 1993, amended by section 22 of Act 14 of 1993, substituted by section 68 of Act 67 of 1995, amended by sections 9 and 10 of Act 11 of 1996, substituted by Proclamation R. 9 of 31 January 1997, section 6 of Act 24 of 1998 and section 10 of Act 93 of 1998 5

2. Section 102 of the Deeds Registries Act, 1937, is hereby amended by the insertion 10 after the definition of “owner” of the following definition:

“ ‘person’, for the purpose of the registration of immovable trust property only, includes a trust;”.

Short title

3. This Act is called the Deeds Registries Amendment Act, 2003. 15