

REPUBLIC OF SOUTH AFRICA

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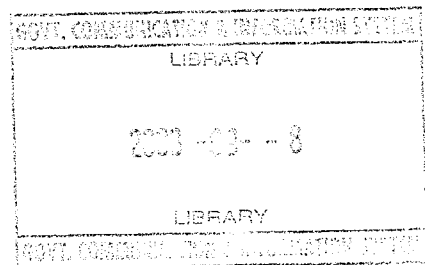
**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
MINING TITLES  
REGISTRATION AMENDMENT  
BILL**

**[B 24B—2003]**

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*(As agreed to by the Portfolio Committee on Minerals and Energy  
(National Assembly))*

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**[B 24C—2003]**

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**AMENDMENTS AGREED TO**  
 MINING TITLES REGISTRATION AMENDMENT BILL  
 [B 24B-2003]

SCHEDULE

Schedule rejected.

NEW SCHEDULE

1. That the following be a new Schedule:

SCHEDULE

LAWS AMENDED

(Section 53)

No. and year of Act	Short title	Extent of repeal or amendment
Act No. 47 of 1937	Deeds Registries Act, 1937 (Act No. 47 of 1937)	<p>1. The repeal of sections 3(1)(l), 3(1)(m), 3(1)(n), 3(1)(q), 17(5)(b), 26(1)(bis), 44(3), 64(2)bis, 64(2)ter, 70 to 74ter, 84, 85, and 90(2)(b);</p> <p>2. The substitution for section 21 of the following section:</p> <p>“21. <b>Transfer or cession from joint estate.</b>—In any deed of transfer or deed of cession lodged in a deeds registry and relating to an asset in a joint estate, the surviving spouse shall be joined in his or her personal capacity with the executor of the estate of the deceased spouse except—</p> <p>(a) where the executor is dealing only with the share of the deceased spouse; or</p> <p>(b) where the asset has been sold to pay the debts of the joint estate; or</p> <p>(c) where there has been a massing of the joint estate and the surviving spouse has adiated; or</p> <p>(d) where such transfer or cession is in favour of the surviving spouse; or</p> <p>(e) where the power of attorney to pass such transfer or cession, has been signed by the surviving spouse in the capacity of executor.”;</p>

		<p>3. The amendment of section 28 by the substitution for subsection (1) of the following subsection:</p> <p>“(1) If the share or shares owned by any of the parties to a partition appear from the title deeds of the land partitioned to be subject to a lease, personal servitude or other real right [(excluding any rights to minerals)] the written consent of the holder thereof to the partition and allocation of the lease, servitude or other such real right, together with the deed, if any, by which the lease, servitude or real right is held, shall be produced to the registrar.</p> <p>4. The amendment of section 32 by—</p> <p>(a) the deletion in subsections (1), 2(a) and (4) of “<b>or right to minerals</b>” wherever it appears in the said subsections;</p> <p>(b) the substitution for subsection (5) of the following subsection:</p> <p>“(5) Immediately after any right of servitude over any land has been expropriated, the expropriating authority shall lodge with the registrar a certified copy of the notice of expropriation, two copies of the relevant expropriation plan of the servitude in question and a certificate describing the land and stating the name, number and administration district thereof, as well as the full names and surname of the registered owner and the number (consisting of the serial and year number) of the title deed, and the registrar shall cause a note of the expropriation to be made in his or her registers, and if at any time the original of the title deed is lodged in his or her registry for any purpose or application is made for the issue of a certified copy of such title deed, the registrar shall cause an appropriate note to be endorsed thereon as well as on the office copy thereof and a copy of the expropriation plan to be annexed thereto as well as to the office copy thereof;</p> <p>(c) the substitution for subsection (5A) of the following subsection:</p> <p>“Whenever any right of servitude [<b>or right to minerals</b>] over land has been expropriated and formal cession of such right of servitude [<b>or right to minerals</b>] to the cessionary has not been effected, the registrar shall, on written application by the cessionary and the owner of the land [<b>or right to minerals</b>], cancel any note of the expropriation in his <u>or her</u> registers or endorsement on the title deed of the land [<b>or the title under which the right to minerals is held,</b>] and thereupon the expropriated right of servitude [<b>or right to minerals</b>] shall vest in such owner.</p>
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Act No. 95 of 1986	Sectional Titles Act, 1986	The amendment of section 17(5) by the deletion of the words <b>“[, excluding mineral rights,]”</b> .