

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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STATE PRESIDENT'S OFFICE

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No. 523.

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No. 523.

23 Maart 1989

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

Hierby word bekend gemaak dat die waarnemende Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 24 of 1989: Deeds Registries Amendment Act, 1989.

No. 24 van 1989: Wysigingswet op Registrasie van Aktes, 1989.

Act No. 24, 1989

DEEDS REGISTRIES AMENDMENT ACT, 1989

date and, if the bond is a bond to secure future debts, the immovable property thereby mortgaged will secure any further or future advances which are made by the mortgagee of the bond to the survivor.”.

Amendment of section 45bis of Act 47 of 1937, as inserted by section 21 of Act 43 of 1957 and substituted by section 2 of Act 75 of 1987

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3. Section 45bis of the principal Act is hereby amended—

(a) by the insertion after subsection (1) of the following subsection:

“(1A) If immovable property or a lease under any law relating to land settlement or a bond is registered in a deeds registry in the name of both spouses who—

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(a) were married in community of property but have been divorced, and such property, lease or bond accrues to both the former spouses in undivided shares in terms of the division of the joint estate;

(b) are or were married in community of property and a court has made an order, or has made an order and given an authorization under section 20 or 21 (1) of the Matrimonial Property Act, 1984 (Act No. 88 of 1984), as the case may be, in terms of which the property, lease or bond is awarded to both spouses in undivided shares,

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the registrar may on written application by both spouses, accompanied by such documents as the registrar deems necessary, endorse on the title deeds of the property, or on the lease or bond, that such spouses are entitled to deal with such property, lease or bond, and thereupon such spouses shall be entitled to deal therewith as if they had taken formal transfer or cession into their names of their respective shares in such property, lease or bond.”; and

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(b) by the substitution for subsection (2) of the following subsection:

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“(2) If immovable property referred to in subsection (1) or (1A) is hypothecated under a registered mortgage bond, the provisions of subsections (2), (3) and (4) of section 45 shall *mutatis mutandis* apply.”.

Amendment of section 57 of Act 47 of 1937, as amended by section 27 of Act 43 of 1957, section 24 of Act 43 of 1962, section 7 of Act 92 of 1978 and section 16 of Act 27 of 1982

4. Section 57 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) As from the date of the transfer deed the transferor shall be absolved from any obligation secured by the bond and the transferee shall be substituted for him as the debtor in respect of such bond and shall be bound by the terms thereof in the same manner as if he had himself passed the bond and had renounced therein the benefit of all relevant exceptions and, if the bond is a bond to secure future debts, the immovable property thereby mortgaged will secure any further or future advances which are made by the mortgagee of the bond to the transferee.”.

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Insertion of section 74ter in Act 47 of 1937

5. The following section is hereby inserted in the principal Act after section 74bis:

“**Substitution of lost or destroyed title deed of rights to minerals**

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74ter. (1) If a title deed of the rights to minerals has been lost or destroyed and the registration duplicate thereof has also been lost or destroyed, the registrar may on written application by the holder of such rights, issue a certificate of rights to minerals in the prescribed form in lieu of the title deed which has been lost or destroyed.

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Act No. 24, 1989

DEEDS REGISTRIES AMENDMENT ACT, 1989

(2) The provisions of section 38 (2), (3), (4) and (5) shall *mutatis mutandis* apply in respect of the issue of such certificate.”.

Amendment of section 102 of Act 47 of 1937, as amended by section 12 of Act 3 of 1972, section 22 of Act 27 of 1982, section 9 of Act 62 of 1984 and section 4 of Act 75 of 1987 5

6. Section 102 of the principal Act is hereby amended by the substitution for the definition of “immovable property” of the following definition:

“‘immovable property’ includes—

- (a) any registered lease of rights to minerals; **[and]**
- (b) any registered lease of land which, when entered into, was for a period of 10 not less than ten years or for the natural life of the lessee or any other person mentioned in the lease, or which is renewable from time to time at the will of the lessee indefinitely or for periods which together with the first period amount in all to not less than ten years; and
- (c) a registered right of leasehold;” 15

Insertion of section 102B in Act 47 of 1937

7. The following section is hereby inserted in the principal Act after section 102A:

“**Agreement with self-governing territories**

102B. If the Government of the Republic of South Africa and the government of a self-governing territory as defined in section 38 of the National States Constitution Act, 1971 (Act No. 21 of 1971), agree thereto, a registrar may perform any function which has been entrusted to a registrar by or under a law of that self-governing territory in connection with the registration of deeds, and such a function shall be performed by a registrar on the conditions agreed to between the Government of the Republic of South Africa and the government of that self-governing territory.” 20 25

Short title and commencement

8. This Act shall be called the Deeds Registries Amendment Act, 1989, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 30