

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.



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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1301.

23 June 1978.

No. 1301.

23 Junie 1978.

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

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

No. 92 of 1978: Deeds Registries Amendment Act, 1978.

No. 92 van 1978: Wysigingswet op Registrasie van Aktes, 1978.

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Deeds Registries Act, 1937, so as to provide for registers being kept by computer; and to effect a change in relation to the power to make regulations; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 16 June 1978.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 3 of the Deeds Registries Act, 1937 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution for paragraph (t) of subsection (1) of the following paragraph:
- “(t) register general plans of erven or of sub-divisions of land, open registers of the erven or sub-divisions of land shown on such general plans, and record **[in such registers]** the conditions upon which the erven or sub-divisions have been laid out or established;”;
- (b) by the substitution for paragraph (y) of subsection (1) of the following paragraph:
- “(y) keep, whether by means of a computer or in any other manner or by means of a computer and in any other manner, [the] such registers [prescribed under this Act and any other law, and make such entries therein] containing such particulars as are necessary for the purpose of carrying out the provisions of this Act or [such] any other law and of maintaining an efficient system of registration calculated to afford security of title and ready reference to any registered deed;”.
2. Section 10 of the principal Act is hereby amended—
- (a) by the deletion of paragraphs (a), (e), (i), (l), (q) and (r) of subsection (1);
- (b) by the substitution for paragraph (j) of subsection (1) of the following paragraph:
- “(j) **[the manner and form in which information which is required by law to be furnished to a registrar shall be recorded in his deeds registry, the manner and form in which information permitted by law to be furnished by a registrar to the public shall be furnished and]** the manner and form in which the identity of persons shall be established;”;
- (c) by the substitution for subsection (3) of the following subsection:

Amendment of section 3 of Act 47 of 1937, as substituted by section 2 of Act 87 of 1965 and amended by section 1 of Act 41 of 1977.

Amendment of section 10 of Act 47 of 1937, as amended by section 5 of Act 43 of 1957, section 5 of Act 43 of 1962, section 4 of Act 87 of 1965 and section 4 of Act 3 of 1972.

DEEDS REGISTRIES AMENDMENT ACT, 1978.

Act No. 92, 1978

“(3) Any regulations made under paragraph (g) or (h) **or (q)** of subsection (1) shall come into operation within the areas served by the several deeds registries upon dates to be fixed by the Minister by notice in the *Gazette*.”

3. Section 11 of the principal Act is hereby repealed.

Repeal of section 11 of Act 47 of 1937.

4. Section 12 of the principal Act is hereby repealed.

Repeal of section 12 of Act 47 of 1937, as amended by section 6 of Act 43 of 1962.

5. Section 44 of the principal Act is hereby amended—

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

“(1) If rectification of title is required in respect of any one piece of land in consequence of a survey or re-survey of such land or of the correction of any error in the diagram thereof under the Land Survey Act, 1927, the registrar may, on written application by the owner of the land accompanied by the title deed and the new or the corrected diagram thereof, any bond thereon and any registered deed of lease or other registered deed whereby any real right therein is held by any other person and the written consent of the holder of such bond, lease or right, endorse on the aforesaid deed **in the prescribed form** a description of the land according to the new or corrected diagram, which description shall supersede the description already appearing in the aforesaid deeds.”; and

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

“(2) If a new diagram is produced the registrar shall in making the said endorsement substitute the new diagram for the old one **in the manner prescribed**.”

Amendment of section 44 of Act 47 of 1937, as amended by section 18 of Act 43 of 1962 and section 16 of Act 87 of 1965.

6. Section 46 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) If the land sub-divided as shown on the general plan forms the whole of any registered piece of land held by the title deed, the registrar shall make upon the title deed and the registry duplicate thereof an endorsement **in the prescribed form** indicating that the land has been laid out as a township or settlement, as the case may be, in accordance with the plan, and that the lots or erven shown on the plan are to be registered in the relative register.”

Amendment of section 46 of Act 47 of 1937, as amended by section 22 of Act 43 of 1957 and section 17 of Act 87 of 1965.

7. Section 57 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph:

“(c) endorse upon the bond **in the prescribed form**—
 (i) the name of the transferee;
 (ii) the date and number of the transfer;
 (iii) a reference to the said written consent; and
 (iv) that the transferee has been substituted for the transferor as debtor in respect of the bond; and”

Amendment of section 57 of Act 47 of 1937, as amended by section 27 of Act 43 of 1957 and section 24 of Act 43 of 1962.

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8. Section 58 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:
- “(5) If by virtue of the provisions of the law relating to insolvency an insolvent has been re-invested with the ownership of any property, such property may not be transferred, mortgaged or otherwise dealt with by the insolvent until an endorsement **[, in the manner prescribed,]** that the property has been restored to him, has been made by the registrar on the title deed of the property.”
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10. 9. This Act shall be called the Deeds Registries Amendment Act, Short title. 1978.

Amendment of section 58 of Act 47 of 1937, as amended by section 9 of Act 3 of 1972.