

No. 43, 1957.]

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.

# ACT

## To amend the Deeds Registries Act, 1937.

(English text signed by the Officer Administering the Government.)

(Assented to 10th June, 1957.)

**BE IT ENACTED** by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 2 of Act 47 of 1937.

1. Section *two* of the Deeds Registries Act, 1937 (hereinafter referred to as the principal Act), is hereby amended by the deletion of the second proviso to sub-section (1), and the insertion after that sub-section of the following sub-section:

“(1)*bis* No person shall be appointed as registrar or assistant registrar of deeds after the commencement of the Deeds Registries Amendment Act, 1957, unless he has passed the Public Service Law Examination or an examination deemed by the Public Service Commission to be equivalent thereto and has served in the administrative division of the public service in one or more deeds registries or in the deeds registry established by the Deeds Registry Proclamation, 1939 (Proclamation No. 37 of 1939), of the Administrator of South-West Africa, or in one or more deeds registries established under this Act and in the last-mentioned deeds registry for a period of not less than seven years: Provided that this sub-section shall not apply with reference to the appointment as registrar of deeds of any person who held office as registrar of deeds in terms of the said proclamation or as an assistant registrar of deeds at the commencement of the said Act or with reference to the appointment of the Rand townships registrar or assistant Rand Townships registrar.”.

Amendment of section 3 of Act 47 of 1937, as amended by section 14 of Act 50 of 1956.

2. Section *three* of the principal Act is hereby amended—

(a) by the substitution for paragraph (c) of the following paragraph:

“(c) register grants or leases of land lawfully issued by the Government or grants issued by any other competent authority, and register amendments, renewals and cancellations of such leases, and releases of any part of the property leased;”;

(b) by the substitution for paragraph (g) of the following paragraph:

“(g) register cancellations of registered mortgage bonds, releases of any part of the property hypothecated thereby or of all such property if the debt is further secured by a collateral bond, releases of any joint debtor or of any surety in respect of any such bond, the substitution of another person for a debtor in respect of any such bond, reductions of cover in respect of any such bond intended to secure future debts, and part payments of the capital amount due in respect of any such bond other than a bond intended to secure future debts;”;

(c) by the substitution in paragraph (h) for the word “bonds” where it occurs for the first time of the words “mortgage bonds and notarial bonds”, and the addition at the end of that paragraph of the words “and waivers of preference in respect of registered notarial bonds in favour of other notarial bonds whether registered or about to be registered”;

(d) by the insertion after paragraph (j) of the following paragraph:

“(j)*bis* register releases of any part of the property hypothecated by any registered notarial bond or of all such property if the debt is further secured by a collateral bond, releases of any joint debtor or of any surety in respect of any such bond,

reductions of cover in respect of any such bond intended to secure future debts, and part payments in respect of the capital amount due in respect of any such bond other than a bond intended to secure future debts;”;

(e) by the substitution in paragraph (n) for the word “or” of the word “and”;

(f) by the substitution for paragraph (p) of the following paragraph:

“(p) register notarial leases, sub-leases, and cessions of leases or of sub-leases, of land, and notarial amendments of such leases and sub-leases, and notarial renewals and notarial cancellations of such leases and sub-leases and notarial releases of any part of the property leased;”;

(g) by the deletion in paragraph (s) of the word “registered” where it occurs for the second time; and

(h) by the substitution in paragraph (x) for the words “after notice to” of the words “with the approval of” and for the word “five” of the word “ten”.

Amendment of section 4 of Act 47 of 1937.

3. Section *four* of the principal Act is hereby amended by the insertion in paragraph (b) of sub-section (1) after the word “therein” of the words “or in the conditions affecting any such property”, and by the deletion of sub-paragraph (v) of that paragraph.

Amendment of section 7 of Act 47 of 1937.

4. Section *seven* of the principal Act is hereby amended by the insertion in paragraph (b) before the word “surveyor” of the word “land”.

Amendment of section 10 of Act 47 of 1937.

5. Section *ten* of the principal Act is hereby amended by the insertion in paragraph (k) of sub-section (1) before the word “surveyors” of the word “land”.

Substitution of section 13 of Act 47 of 1937.

6. The following section is hereby substituted for section *thirteen* of the principal Act:

“When registration takes place.

13. (1) Deeds executed or attested by a registrar shall be deemed to be registered upon the affixing of the registrar’s signature thereto, and deeds, documents or powers of attorney lodged for registration shall be deemed to be registered when the deeds registry endorsement in respect of the registration thereof is signed: Provided that no such deed, document or power which is one of a batch of interdependent deeds, documents or powers of attorney intended for registration together, shall be deemed to be registered until all the deeds, documents or powers of attorney or the registration endorsements in respect thereof, as the case may be, have been signed by the registrar.

(2) If by inadvertence the registrar’s signature has not been affixed to a deed executed or attested by him, or to the registration endorsement in respect of the registration of a deed, document or power of attorney lodged for registration, at the time at which the signature should have been affixed in the ordinary course, the registrar may affix his signature thereto when the omission is discovered, and the deed, document or power of attorney shall thereupon be deemed to have been registered at the time aforesaid.

(3) All endorsements or entries made on deeds, documents or powers of attorney or in registers, in connection with the registration of any deed, document or power of attorney, shall be deemed to have been effected simultaneously with the affixing of the signature of the registrar thereto in respect of deeds executed or attested by a registrar or with the signing of his registration endorsement in respect of deeds, documents or powers of attorney lodged for registration, although in fact they may have been made subsequent thereto.”.

Amendment of section 14 of Act 47 of 1937.

7. Section *fourteen* of the principal Act is hereby amended—

(a) by the substitution for proviso (iii) to paragraph (b) of sub-section (1) of the following proviso:

“(iii) if in the administration of the estate of a deceased person any redistribution of the whole or any portion of the assets in such estate takes place among the heirs (including ascertained fideicommissary heirs) of the deceased, or between such heirs and the surviving spouse, the executor or administrator of such estate may transfer the land or cede the real rights therein direct to the persons entitled thereto in terms of such redistribution.”; and

(b) by the addition to that paragraph of the following provisos:

“(iv) in a redistribution mentioned in proviso (iii) it shall be lawful to introduce movable property not forming part of the estate for the purpose of equalising the division;

(v) the provisions of proviso (iii) shall apply *mutatis mutandis* with reference to a redistribution of assets of the joint estate of spouses who were married in community of property and have been divorced or judicially separated, and with reference to a redistribution of assets of a partnership on dissolution of the partnership.

(vi) if a *fideicommissum* is created in a will and the fiduciary dies before transfer of his rights is effected in his name, the executor or the administrator (as the case may be) of the testator's estate, may transfer or cede the full property direct to the fideicommissary.”.

Amendment of section 17 of Act 47 of 1937, as amended by section 1 of Act 15 of 1953 and section 1 of Act 37 of 1953.

8. Section *seventeen* of the principal Act is hereby amended—

(a) by the deletion in sub-section (3) of the words “and the marital power”; and

(b) by the addition of the following sub-section:

“(6) When immovable property or a bond is registered in the name of—

(a) a woman who has married since the registration was effected; or

(b) a woman who at the date of the registration was married out of community of property or whose marriage was at that date governed by the law of any country other than the Union or the territory of South-West Africa, and who has since been widowed or divorced,

it shall be competent for the registrar on written application by such woman (assisted where necessary by her husband) and on production of the relevant deed and of proof to his satisfaction of the change in her status, to record such change on such deed and in the registers: Provided that where there are two or more interdependent deeds, all such deeds shall be produced for endorsement.”.

Repeal of section 19 of Act 47 of 1937.

9. Section *nineteen* of the principal Act is hereby repealed.

Amendment of section 21 of Act 47 of 1937.

10. Section *twenty-one* of the principal Act is hereby amended by the addition at the end of paragraph (c) of the word “or” and at the end of the section of the following paragraphs:

“(d) where such transfer is in favour of the surviving spouse; or

(e) where the surviving spouse has signed as executor, the power of attorney to pass such transfer.”.

Amendment of section 26 of Act 47 of 1937.

11. Section *twenty-six* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section:

“(7) The provisions of this section shall also apply to partitions of immovable property registered in different deeds registries.”.

Amendment of section 27 of Act 47 of 1937.

12. Section *twenty-seven* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section:

“(4) Where more than one property is partitioned by

the same partition and the whole of any one or more of the properties affected is awarded to an owner, such property or properties may be substituted under that owner's bond, if the bond is over his share in all the properties partitioned."

Amendment of section 31 of Act 47 of 1937.

13. Section *thirty-one* of the principal Act is hereby amended—

- (a) by the addition at the end of sub-section (2) of the words "or an affidavit to the satisfaction of the registrar that he has been unable to obtain possession of the title deeds";
- (b) by the substitution for sub-section (4) of the following sub-section:

"(4) (a) The registrar shall not execute the said deed of transfer unless a certificate has been furnished to him by the expropriating authority referred to in sub-section (1), to the effect that all notices prescribed by or under any law in connection with the change of ownership of such land have been duly served upon the persons entitled to such notices.

- (b) The said deed of transfer shall be registered subject to all existing conditions affecting the land in question which have not been expropriated or vested in the transferee."; and

- (c) by the addition at the end thereof of the following sub-sections:

"(6) (a) Subject to the provisions of section *eleven* of the Railway Expropriation Act, 1955 (Act No. 37 of 1955), immediately after any land has been expropriated the expropriating authority shall lodge with the registrar a certified copy of the notice of expropriation and two copies of the relevant expropriation plan of the land in question and the registrar shall cause a note of the expropriation to be made in his registers and endorsed on the office copy of the title deed, and if at any time the original of the title deed is lodged in his registry for any purpose, he shall cause a similar note to be endorsed thereon and a copy of the expropriation plan to be annexed thereto.

- (b) The existence of any endorsement referred to in paragraph (a), shall not debar the registered owner of the land in question from transferring or otherwise dealing with that land and upon registration of a transfer deed in favour of the transferee in pursuance of the expropriation, any such endorsement shall lapse.

(7) Where a portion of any land has been expropriated and formal transfer of such land to the transferee has not been effected, the registrar shall, on written application by the transferee and the owner cancel any endorsement made in connection with the expropriation in his registers or on the title deed of the land, and thereupon the land so expropriated shall vest in such owner."

Amendment of section 32 of Act 47 of 1937.

14. Section *thirty-two* of the principal Act is hereby amended by the substitution for sub-section (4) of the following sub-section:

"(4) The registrar shall not register the said deed unless a certificate has been furnished to him by the transferee to the effect that all notices prescribed by or under any law in connection with the expropriation of such servitude have been served upon the person entitled to such notices, and if it appears from the said certificate that such servitude has been expropriated subject to any existing conditions, the deed shall be passed subject to those conditions."

Amendment of section 33 of Act 47 of 1937.

15. Section *thirty-three* of the principal Act is hereby amended by the addition to sub-section (12) of the following proviso:

“Provided it shall not be necessary to produce the title deed of the property or a certified copy thereof, if an affidavit by the transferee is produced that he has been unable to obtain possession of such title deed.”

Amendment of section 37 of Act 47 of 1937.

16. Section *thirty-seven* of the principal Act is hereby amended—

(a) by the substitution for sub-section (2) of the following sub-section:

“(2) If the property concerned is subject to a registered mortgage bond, that bond shall be produced to the registrar by the holder thereof, upon the request and at the expense of the applicant for the certificate of registered title.”; and

(b) by the deletion in sub-section (3) of the words “or other deed”.

Amendment of section 39 of Act 47 of 1937.

17. Section *thirty-nine* of the principal Act is hereby amended by the insertion after sub-section (1) of the following sub-sections, the existing sub-section (2) becoming sub-section (4):

“(2) Any person who is the registered owner of any one or more defined portions of land under a registered deed reflecting conditions or servitudes which have lapsed by merger duly noted or which have been cancelled, may apply for the issue to him of a certificate of registered title in respect of such land free of such conditions or servitudes.

(3) The certificate of registered title referred to in sub-section (2) shall be in the form prescribed and shall supersede the title under which the land was previously held.”.

Amendment of section 40 of Act 47 of 1937.

18. Section *forty* of the principal Act is hereby amended—

(a) by the deletion in sub-section (1) of the words “section *forty-one* of”;

(b) by the deletion of paragraph (c) of that sub-section;

(c) by the deletion of sub-section (2);

(d) by the substitution for sub-section (3) of the following sub-section:

“(3) Every such certificate shall be in accordance with the new diagram and shall be issued on written application by the owner or owners of the pieces of land in question accompanied by the title deed or deeds thereof and any bond thereon, together with the written consent of the holder of the bond.”;

(e) by the substitution for sub-section (4) of the following sub-section:

“(4) In registering the certificate, the registrar shall endorse on the title deed or deeds that they have, in respect of the land described in the certificate, been superseded by the certificate, and on the certificate that the land therein described or the share thereof referred to in such endorsement, is mortgaged by such bond and shall make such endorsements on the bond and such entries in the registers as shall clearly indicate that the land is now owned by virtue of the certificate and that the land or such share thereof is subject to such bond.”;

(f) by the substitution for sub-section (5) of the following sub-section:

“(5) (a) If a portion only of the land represented on the new diagram is mortgaged, a certificate may not be issued unless the bond is cancelled: Provided that on the written application of the owner and with the consent of the mortgagee, all the land included in the new diagram may be substituted for the land originally mortgaged under the bond.

(b) If different portions of the land represented on the new diagram are mortgaged under different bonds, the certificate may not be issued unless the bonds are cancelled.”;

(g) by the addition to paragraph (a) of sub-section (6) of the following proviso:

“Provided that it shall not be necessary to produce a diagram of such portion if the diagram of the consolidated land shows that portion by dotted lines or in such other way as to identify it”;

- (h) by the deletion of sub-section (7); and
- (i) by the deletion in sub-section (8) and in sub-section (9) of the words “or amended”.

Amendment of section 43 of Act 47 of 1937.

19. Section *forty-three* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) of the words “and any registered deed of lease or other registered deed whereby any real right in the land is held by any other person” and the words “lease or right”;
- (b) by the deletion in sub-section (2) of the words “or that it is subject to such lease or right, unless this appears from the certificate itself” and the words “and other deed” and the words “lease or right”; and
- (c) by the addition at the end thereof of the following sub-section:

“(5) (a) Save in the case of a transfer of a whole erf, no owner of a township or settlement in whose title deed the individual erven are not separately described, shall deal separately in any way with an individual erf in such township or settlement or any portion thereof or share therein until he has obtained a certificate of registered title of such erf in the prescribed form.

- (b) The provisions of this sub-section shall not apply in respect of Crown land.”.

Amendment of section 45 of Act 47 of 1937.

20. Section *forty-five* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (1) after the word “property”—
  - (i) where it occurs for the first time of the words “or a lease under any law relating to land settlement”;
  - (ii) where it occurs for the third time of the word “lease”;
  - (iii) where it occurs for the fourth time of the words “or on the deed of lease”; and
  - (iv) where it occurs for the fifth and sixth times of the word “lease”; and
- (b) by the substitution for paragraph (b) of sub-section (2) of the following paragraph:
 

“(b) the estate of the deceased spouse is released from liability under the bond; or”.

Insertion of section 45bis in Act 47 of 1937.

21. The following section is hereby inserted in the principal Act after section *forty-five*:

“Endorsement of deeds where marriage dissolved by divorce.

45bis. (1) 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 one of two spouses who were married in community of property but have been divorced, and the person in whose name such property, lease or bond is registered has lawfully acquired the share of his former spouse in the property, lease or bond, the registrar may, on written application by that person, accompanied by such documents as the registrar deems necessary, endorse on the title deeds of the property or on the lease or the bond that such person is entitled to deal with such property, lease or bond, and thereupon such person shall be entitled to deal therewith as if he had taken formal transfer or cession into his name of the share of the former spouse in the property, lease or bond.

(2) If any immovable property referred to in sub-section (1) is hypothecated under a registered mortgage bond, the provisions of sub-sections (2), (3) and (4) of section *forty-five* shall *mutatis mutandis* apply.”.

- Amendment of section 46 of Act 47 of 1937. 22. Section *forty-six* of the principal Act is hereby amended—
- (a) by the addition at the end of sub-section (2) of the words "and any mortgage bond endorsed on the title deed and the mortgagee's consent to the endorsement of such bond to the effect that it attaches to the land described in the plan"; and
- (b) by the deletion in sub-section (5) and in sub-section (6) of the words "or amended".
- Substitution of section 52 of Act 47 of 1937. 23. The following section is hereby substituted for section *fifty-two* of the principal Act:
- "Cession of bond to secure future advances. 52. A cession of a bond passed to secure future advances may be registered and the registration of such a cession shall not affect the provisions of the bond relating to future advances up to the amount stated in the bond."
- Amendment of section 53 of Act 47 of 1937. 24. Section *fifty-three* of the principal Act is hereby amended by the addition at the end of sub-section (2) of the following proviso:
- "Provided that notwithstanding the provisions of sub-section (1) of section *fifty*, land held subject to a condition that, on the happening of a certain event, such land shall revert to a person named in such condition, may be mortgaged by the owner thereof and such person by means of a bond passed by them jointly and severally, or may be mortgaged by the owner of such land with the consent of such person."
- Amendment of section 55 of Act 47 of 1937. 25. Section *fifty-five* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:
- "(1) If a bond is passed by two or more mortgagors, no release from the bond—
- (a) of any mortgagor and his property, or of a portion of the property of any mortgagor may be registered without the written consent of the other mortgagor or mortgagors; or
- (b) of all the property of any mortgagor may be registered unless such mortgagor is also released."
- Amendment of section 56 of Act 47 of 1937. 26. Section *fifty-six* of the principal Act is hereby amended by the insertion in sub-section (1) after the words "the holder thereof" of the words "or unless, in the case of any such mortgage bond which has been lost or destroyed, the registrar has on application by the registered holder thereof, cancelled the entry in his register in respect of such bond".
- Amendment of section 57 of Act 47 of 1937. 27. Section *fifty-seven* of the principal Act is hereby amended—
- (a) by the substitution in sub-section (1) for the words "has agreed to transfer" of the word "transfers";
- (b) by the deletion in paragraph (c) of sub-section (4) of the word "married"; and
- (c) by the addition at the end thereof of the following sub-section:
- "(5) The provisions of sub-sections (1) to (4), inclusive, shall *mutatis mutandis* apply in respect of immovable property other than land which is hypothecated under a registered mortgage bond."
- Amendment of section 61 of Act 47 of 1937. 28. Section *sixty-one* of the principal Act is hereby amended by the deletion of sub-sections (2) and (4).
- Amendment of section 62 of Act 47 of 1937, as substituted by section 2 of Act 15 of 1953. 29. Section *sixty-two* of the principal Act is hereby amended by the addition at the end of sub-section (1) of the following proviso:
- "Provided that notarial bonds passed in Natal in pursuance of the Notarial Bonds (Natal) Act, 1932 (Act No. 18 of 1932), irrespective of whether the debtor resides or carries on business in Natal, shall be sufficiently registered for the purposes of this Act if registered in the deeds registry at Pietermaritzburg."

Amendment of section 65 of Act 47 of 1937.

30. Section *sixty-five* of the principal Act is hereby amended—

(a) by the substitution in sub-section (1) for the words "A notarial deed creating a personal servitude shall be executed by the owner of the land encumbered thereby and the person in whose favour it is created" of the words "Save as provided in sub-section (2) of section *sixty-three* or in any other law, a personal servitude may be created by means of a deed executed by the owner of the land encumbered thereby and the person in whose favour it is created, and attested by a notary public";

(b) by the addition at the end of sub-section (1) of the following proviso:

"and provided further that where it is desired to register a road or thoroughfare in favour of the public at the same time as the registration of a sub-division which it serves, it shall in like manner and without the registration of a notarial deed be permissible to register it in the deed relating to the sub-division and also to endorse the deed of the remainder accordingly"; and

(c) by the substitution for sub-section (3) of the following sub-section:

"(3) For the registration of such a deed, the title deed of the land and, if the land is mortgaged, the bond and the consent in writing of the legal holder thereof to the registration of the servitude free of the bond, shall be produced."

Insertion of section 69bis in Act 47 of 1937.

31. The following section is hereby inserted in the principal Act after section *sixty-nine*:

69bis. (1) If the owner of land subject to a *fideicommissum* and the fideicommissary, if the latter is competent so to do, have disposed of the land or any portion thereof, together with the fideicommissary rights, to any other person, they may together give transfer thereof to that person.

(2) The transfer deed shall describe the transferors as the owner of the land and the holder of the fideicommissary right respectively, but no mention of the fideicommissary right shall be made in the description of the land therein.

(3) The owner of land subject to a *fideicommissum* and the fideicommissary, if the latter is competent so to do, may together mortgage the land to the full extent of their respective rights therein."

Amendment of section 70 of Act 47 of 1937.

32. Section *seventy* of the principal Act is hereby amended by the addition at the end thereof of the following sub-sections:

"(3) When a deed of transfer of land exclusive of rights to minerals is lodged in terms of section *thirty-one*, and the rights to minerals are held by the registered owner of the land under the title to the land, there shall be also lodged for registration a certificate of mineral rights in the prescribed form, and the provisions of sub-sections (4) and (5) of section *seventy-one* shall *mutatis mutandis* apply.

(4) Notwithstanding anything to the contrary contained in any other law, whenever rights to minerals have been separated from the ownership of land under any provision of this Act, such rights to minerals and the land shall thereafter each be held under separate title even though the holder of the rights to minerals be also the owner of the land: Provided that where the owner of the land is also the owner of all the mineral rights and such rights are unencumbered, it shall be competent to register a merger on application by the owner."

Amendment of section 72 of Act 47 of 1937.

33. Section *seventy-two* of the principal Act is hereby amended—

(a) by the substitution for the words "*mutatis mutandis*" of the word "not"; and



- (b) by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

“(2) Whenever the Minister deems it necessary that rights to minerals be separated from the ownership of Crown land, he may apply in writing to the registrar for the issue in favour of the Government of a certificate of such rights to minerals as may be set forth in the application, and the registrar shall thereupon issue such a certificate in the form prescribed by regulation and endorse on the title deed of the land in question that such rights and the ownership of the land have been so separated.”.

Amendment of section 75 of Act 47 of 1937.

34. Section *seventy-five* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (1) after the word “servitude” of the words “in perpetuity or for a limited period”; and
- (b) by the insertion after sub-section (2) of the following sub-section:

“(2)*bis*. If it is sought to cancel a servitude, and the dominant tenement is mortgaged, the bond shall be produced together with the consent in writing of the legal holder thereof to the registration of the cancellation.”.

Amendment of section 76 of Act 47 of 1937.

35. Section *seventy-six* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (1) after the word “servitude” where it occurs for the first time of the words “in perpetuity or for a limited period”; and
- (b) by the addition at the end thereof of the following sub-sections:

“(4) In the sub-division of land which is entitled to a servitude over other land, it shall be competent for the owner when transferring such sub-division to stipulate in his power of attorney that the exercise of the rights is restricted to the land still held by him, and in that event the transfer of the portion in question shall make no reference to the servitude, nor shall it be necessary to record on the title of the servient tenement that the rights are so restricted.

(5) If in the sub-division of land which is subject to restrictive conditions in favour of a statutory body, such body consents to the sub-division contemplated, the consent shall in the absence of anything to the contrary therein contained, involve the application of all such restrictive conditions to each sub-division so authorized, and on registration of title of the sub-division the deed shall be drawn accordingly.”.

Amendment of section 84 of Act 47 of 1937.

36. Section *eighty-four* of the principal Act is hereby amended by the insertion after sub-section (4) of the following sub-section, the existing sub-section (5) becoming sub-section (6):

“(5) Where, in the circumstances provided for in this section, a prospecting contract has been duly registered in any deeds registry, no further prospecting contract or contracts shall be registered against the title deed or title deeds of the same property or properties in respect of the same mineral or minerals until such time as the duly registered prospecting contract has lapsed by effluxion of time or has been cancelled in terms of section *eighty-five* or *ninety*.”.

Amendment of section 87 of Act 47 of 1937, as amended by section 3 of Act 15 of 1953.

37. Section *eighty-seven* of the principal Act is hereby amended by the deletion of sub-section (4).

Amendment of section 93 of Act 47 of 1937.

38. Section *ninety-three* of the principal Act is hereby amended by the addition at the end of sub-section (2) of the words “except if required by the registrar and the Surveyor-General in order to record a new designation as a result of the introduction of a system of land numbering where no such system previously existed.”.

**Amendment of section 97 of Act 47 of 1937.**

39. Section *ninety-seven* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

“(2) Subject to notice in terms of sub-section (1) being given to the registrar concerned, any order made by a court having jurisdiction over a person in respect of that person’s property or rights to property situate in another province shall be given effect to by the registrar of such other province without the necessity of having such order confirmed by the court of the province in which the property is situate.”

**Amendment of Second Schedule to Act 47 of 1937.**

40. The Second Schedule to the principal Act is hereby amended by the substitution in paragraph (b) for the words “of the High Commissioner dated 23rd December, 1847” of the words “No. 61 of 1860, as amended by Government Notice No. 26 of 1863, dated 26th September, 1863, but excluding the area within the boundaries of the municipality of Cathcart as defined in Proclamation No. 74 of 1883, dated 16th May, 1883,”.

**Short title.**

41. This Act shall be called the Deeds Registries Amendment Act, 1957, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.