



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 10c Prys
Overseas 15c Oorsee
POST FREE—POSVRY

Vol. 47.]

CAPE TOWN, 28TH MAY, 1969.

KAAPSTAD, 28 MEI 1969.

[No. 2412.

DEPARTMENT OF THE PRIME MINISTER.

No. 859.

28th May, 1969.

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

lo. 61 of 1969: Deeds Registries Amendment Act, 1969.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 859.

28 Mei 1969.

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

No. 61 van 1969: Wysigingswet op Registrasie van Aktes, 1969.

ACT

To amend the Deeds Registries Act, 1937, to provide for the discontinuance of the procedure whereby documents relating to immovable property in a township in the area of the Rand townships registration office are registered also in the deeds registry in Pretoria; for certain requisites in relation to the appointment of a registrar, deputy registrar or assistant registrar of Rand townships; and for altered procedures regarding the registration of transfer of land expropriated by, or by law vested in, the State or certain other bodies, and the transfer of any right of servitude or right to minerals so expropriated or vested; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 16th May, 1969.)*

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

Amendment of
section 1 of
Act 47 of
1937.

1. Section 1 of the Deeds Registries Act, 1937 (hereinafter referred to as the principal Act) is hereby amended—

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

“(1) (a) There shall be deeds registries at Cape Town, Kingwilliamstown, Kimberley, Vryburg, Pietermaritzburg, Pretoria and Bloemfontein, each to serve its respective area as defined in the Second Schedule.

(b) The Rand townships registration office at Johannesburg, established under section 53 of the Townships Amendment Act, 1908 (Act No. 34 of 1908), of the Transvaal, shall continue to exist notwithstanding the repeal of that section by section 10 of the Deeds Registries Amendment Act, 1969, and shall also be a deeds registry, but only in connection with the registration of documents relating to immovable property in any township in the area served thereby as defined in the said Schedule.”; and

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

“(1A) After the commencement of section 1 of the Deeds Registries Amendment Act, 1969—

(a) any document affecting the title of the land included in a township referred to in subsection (1) (b) or of an erf in any such township shall, notwithstanding anything to the contrary in any other law contained, be registered only in the Rand townships registration office;

Act No. 61, 1969 DEEDS REGISTRIES AMENDMENT ACT, 1969.

- (b) any such document registered in the deeds registry at Pretoria at such commencement and of which a copy has been furnished by the registrar at Pretoria to the Rand townships registrar in terms of any law repealed by section 10 of that Act or in terms of any other law, and has been entered by the last-mentioned registrar in his registers or is kept in his office, shall be deemed to be registered in the Rand townships registration office;
- (c) the copy of a document referred to in paragraph (b) shall for the purposes of any relevant law be deemed to be the registry duplicate of the document in question;
- (d) any entry made by the Rand townships registrar in the duplicate kept in his office of any register opened and kept in the deeds registry at Pretoria, and any entry in a copy of any such register furnished to that registrar in terms of any law, shall be deemed to be an entry in the register in question, and such register shall be kept by that registrar in so far as it may be relevant for the purposes of paragraph (a)."

Amendment of
section 2 of
Act 47 of
1937, as
amended by
section 1 of
Act 43 of
1957, section 1 of
Act 43 of 1962
and section 1 of
Act 87 of 1965.

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

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

"(c) for each deeds registry—

- (i) one or more deputy registrars of deeds or one or more assistant registrars of deeds or one or more deputy registrars of deeds and one or more assistant registrars of deeds; or
- (ii) one or more deputy registrars of Rand townships or one or more assistant registrars of Rand townships or one or more deputy registrars of Rand townships and one or more assistant registrars of Rand townships, as the case may be, who shall respectively have the power, subject to the regulations, to do any act or thing which may lawfully be done under this Act or any other law by a registrar or by the Rand townships registrar, as the case may be."; and

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

"(2) No person shall be appointed as registrar, deputy registrar or assistant registrar of deeds after the commencement of the Deeds Registries Amendment Act, 1957, or as registrar, deputy registrar or assistant registrar of Rand townships after the commencement of section 2 of the Deeds Registries Amendment Act, 1969, 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-

Act No. 61, 1969

DEEDS REGISTRIES AMENDMENT ACT, 1969.

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 Deeds Registries Amendment Act, 1957, or with reference to the appointment as registrar or deputy registrar of Rand townships of any person who held office as assistant registrar of Rand townships at the commencement of the said section 2."

Amendment of section 31 of Act 47 of 1937, as substituted by section 11 of Act 87 of 1965.

3. Section 31 of the principal Act is hereby amended—

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

"(1) Whenever any land has, under the authority of any law, been expropriated by, and whenever the ownership of any land has by statute been vested in, the State, any public or local authority or any corporate body or any association of persons, the registrar shall, upon lodgment with him of a deed of transfer in the prescribed form prepared by a conveyancer in favour of the transferee, execute the same, and if the land is hypothecated, he shall endorse the fact of such transfer on the registry duplicate of the bond, and if the original bond is at any time lodged in his office for any purpose except cancellation, he shall make a similar endorsement thereon: Provided that no such transfer shall prejudice any claim to compensation which any owner or other person may have in respect of the change of ownership of such land.";

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

"(2) (a) The transferee shall produce the title deed of such land to the registrar together with the aforesaid deed of transfer, and the registrar shall thereupon endorse the transfer on such title deed.

(b) Failing the production of such title deed, the transferee shall produce to the registrar an affidavit to the satisfaction of the registrar that he has been unable to obtain possession of the title deed and the registrar shall thereupon endorse such transfer on the registry duplicate of such title deed, and if the original title deed is at any time lodged in his office for any purpose, he shall make a similar endorsement thereon."; and

- (c) by the deletion of subsection (3).

Amendment of section 32 of Act 47 of 1937, as substituted by section 12 of Act 87 of 1965.

4. Section 32 of the principal Act is hereby amended—

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

"(1) Whenever any right of servitude or right to minerals over any land has under the authority of any law been expropriated by, or has by statute been vested in, the State, any public or local authority or any corporate body or any association of persons, the registrar shall, upon lodgment with him of a deed of cession in the prescribed form prepared by a conveyancer in favour of the cessionary, execute and register such deed, and if the land or right to minerals is hypothecated, endorse the fact of such cession on the registry duplicate of the bond, and if the original bond is at any time lodged in his office for any purpose except cancellation, he shall make a similar endorse-

Act No. 61, 1969

DEEDS REGISTRIES AMENDMENT ACT, 1969.

- ment thereon: Provided that no such cession shall prejudice any claim to compensation which any owner or other person may have as a result of the expropriation or vesting of such servitude or right to minerals.”;
- (b) by the substitution for subsection (2) of the following subsection:
- “(2) (a) The cessionary shall produce the title deed of the land or right to minerals to the registrar together with the aforesaid deed of cession and the registrar shall thereupon endorse the cession on such title deed.
- (b) Failing the production of such title deed, the cessionary shall produce to the registrar an affidavit to the satisfaction of the registrar that he has been unable to obtain possession of such title deed and the registrar shall thereupon endorse such cession on the registry duplicate of such title deed, and if the original title deed is at any time lodged in his office for any purpose, he shall make a similar endorsement thereon.”;
- (c) by the deletion of subsection (3); and
- (d) by the substitution for subsection (4) of the following subsection:
- “(4) The registrar shall not register the said deed unless a certificate has been furnished to him by the cessionary to the effect that the provisions of any law in connection with the expropriation or vesting of such servitude or right to minerals have been complied with, and if it appears from the said certificate that such certificate or right to minerals has been expropriated or vested subject to any existing conditions, the deed shall be registered subject to those conditions.”.

Insertion of
section 46A in
Act 47 of 1937.

5. The following section is hereby inserted in the principal Act after section 46:

“Special requirements in the case of subdivision into lots or erven of land in the area of Rand townships registration office.

46A. (1) Notwithstanding the provisions of section 46, no general plan referred to in subsection (1) of that section in respect of land situated in the area of the Rand townships registration office shall be registered in terms of that subsection, and no register so referred to in respect of the lots or erven shown on such general plan shall be opened, unless the land subdivided forms the whole of the land held under the relevant title deed or forms a portion of land registered in the Rand townships registration office.

(2) When any such general plan is to be registered in respect of land situated in the area of the Rand townships registration office and registered in the deeds registry at Pretoria, the registrar at Pretoria shall, after the necessary examination and after having made the endorsements contemplated in section 46 (3), furnish certified copies of the title deed of such land and of all other deeds and documents relating to such land and registered or recorded in his office, to the Rand townships registrar.

(3) The Rand townships registrar shall thereupon register the general plan and open the register contemplated in subsection (1) of section 46 in accordance with the requirements of that subsection and shall enter in his registers or file of record in his office, as the circumstances may require, the copies of the title deed, other deeds and documents furnished to him under subsection (2) of this section.

Act No. 61, 1969

DEEDS REGISTRIES AMENDMENT ACT, 1969.

(4) In the application of any relevant law in relation to the land in question, a title deed, other deed or document of which a copy has in terms of this section been furnished to the Rand townships registrar and entered in his registers, shall be deemed to be registered or recorded in his office, as the circumstances may require, and any such copy shall in so far as may be necessary be deemed to be the registry duplicate of the title deed, other deed or document in question.

(5) If any land ceases to be land included in a township in the area of the Rand townships registration office, the Rand townships registrar shall furnish certified copies of the title deed of such land and of all other deeds and documents registered in his office and relating to such land and which may be necessary for the registration or recording of any further legal transactions in relation to such land in the deeds registry at Pretoria, to the registrar at Pretoria who shall, after making such endorsements as he may deem necessary on such copies, enter such copies in his registers, and thereupon the title deed, other deeds and documents shall be deemed to be registered or recorded, as the case may be, in the deeds registry at Pretoria."

Substitution
of section 48 of
Act 47 of 1937.

6. The following section is hereby substituted for section 48 of the principal Act:

"Special provisions regarding a bond over land in a Rand township and other land.

48. (1) Where land situated in a township in the area of the Rand townships registration office is hypothecated together with other land not registered in that registration office, the bond shall be cancelled or that land or such other land be released from the bond before any other legal transaction in relation to that land or such other land is registered.

(2) In subsection (1) 'bond' includes a charge in favour of the Land and Agricultural Bank of South Africa or any Department of State."

Amendment of
section 49 of
Act 47 of 1937.

7. Section 49 of the principal Act is hereby amended by the addition of the following subsection:

"(3) No township shall be established or laid out in the Transvaal or be approved by the Administrator of the Transvaal unless the land to be included in such township is wholly situated either within or outside the area of the Rand townships registration office."

Amendment of
the Second
Schedule to Act 47
of 1937, as
amended by
section 40 of
Act 43 of 1957
and section 37
of Act 43 of 1962.

8. (1) The Second Schedule to the principal Act is hereby amended by the substitution for paragraph (h) of the paragraph set out in the Schedule to this Act.

(2) The Registrar of Deeds, Pretoria, shall furnish certified copies of all title deeds, other deeds and documents which immediately before the commencement of this section were registered, recorded or filed of record in his office and which relate to any land situated in a township or portion of a township included in the area of the Rand townships registration office as a result of the alteration of that area by subsection (1), to the Rand townships registrar for the purposes of section 1 (1A) of the principal Act, and the last-mentioned Registrar shall enter such copies in his registers or file them of record in his office, as the circumstances may require.

Act No. 61, 1969

DEEDS REGISTRIES AMENDMENT ACT, 1969.

Amendment of section 11 of Act 37 of 1955, as amended by section 1 of Act 2 of 1960 and section 2 of Act 39 of 1963.

9. Section 11 of the Railway Expropriation Act, 1955, is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) The noting of the expropriation of a servitude or other real right in or over land in terms of paragraph (b) shall not be deemed to preclude the Administration from availing itself of the provisions of section 32 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), or of any corresponding statutory provision in force in the territory of South-West Africa, in any case where the Administration deems it expedient to procure the registration of a deed of cession evidencing such servitude or other right, and upon the registration of such deed of cession all notings in the registers and endorsements on the relevant title deeds that were made in terms of the said paragraph, shall be deemed to be superseded by such deed.”.

Repeal of laws.

10. Sections 53, 54 and 55 of the Townships Amendment Act, 1908 (Act No. 34 of 1908), of the Transvaal, are hereby repealed.

Short title and commencement.

11. This Act shall be called the Deeds Registries Amendment Act, 1969, and sections 1, 2, 5, 6, 7, 8 and 10 shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Schedule.

“(h) by the Rand townships registration office, the area bounded as follows:—

Beginning at the north-western beacon of the farm Olifantshoek No. 356-JQ; proceeding thence generally eastwards along the boundaries of the following farms so as to include them in this area: the said farm Olifantshoek No. 356-JQ, Rietfontein No. 350-JQ, Roodekrans No. 349-JQ, Boschfontein No. 387-JQ, Boschfontein No. 352-JQ, Modderspruit No. 389-JQ, Doornhoek No. 392-JQ, Nooitgedacht No. 471-JQ, Hartebeestfontein No. 472-JQ, Fouriesrus No. 474-JQ, Hartebeestfontein No. 473-JQ and Bultfontein No. 475-JQ to the north-eastern beacon of the last-named farm; thence generally south-eastwards along the boundaries of the following farms so as to include them in this area: the said farm Bultfontein No. 475-JQ, Hartebeesthoek No. 498-JQ, Diepkloof No. 496-JQ, Tweefontein No. 523-JQ, Elandsdrift No. 527-JQ, Lindley No. 528-JQ, Zwartkop or Rooiwal No. 530-JQ, Bultfontein No. 533-JQ, Nooitgedacht No. 534-JQ, Zandspruit No. 191-IQ, Wilgespruit No. 190-IQ, Boschkop No. 199-IQ, Weltevreden No. 202-IQ, Waterval No. 211-IQ and Roosevelt Park No. 218-IQ to the north-western beacon of Emmarentia Ext. No. 1 Township (General Plan S.G. No. A.7/39); thence north-eastwards along the north-western boundary of the said Emmarentia Ext. No. 1 Township to the south-western beacon of Victory Park Estate (Small Holdings) (General Plan S.G. No. A.1430/23); thence generally north-eastwards along the boundaries of the said Victory Park Estate (Small Holdings) so as to include them in this area to the north-western beacon thereof; thence south-eastwards along the north-eastern boundary of the farm Braamfontein No. 53-IR to the westernmost beacon of Melrose Township (General Plan S.G. No. A.616/03); thence south-eastwards, north-eastwards and eastwards along the boundaries of the said Melrose Township so as to include it in this area to the north-eastern beacon thereof; thence south-westwards, south-eastwards and generally southwards along the boundaries of the following so as to include them in this area: Melrose Township (General Plan S.G. No. A.616/03) and Melrose Estate Township (General Plan S.G. No. A.475/30) to the south-eastern beacon of the last-named Township; thence north-eastwards along the boundaries of the following farms so as to include them in this area: Houghton Estate No. 56-IR and Klipfontein No. 58-IR to where the north-western boundary of the last-named farm intersects the south-western boundary of Highlands North Extension Township (General Plan S.G. No. A.2539/35); thence north-westwards, north-eastwards and generally south-eastwards along the boundaries of the said Highlands North Ex-

Act No. 61, 1969

DEEDS REGISTRIES AMENDMENT ACT, 1969.

tension Township to the eastern-most beacon thereof; thence north-eastwards along the north-western boundary of the farm Klipfontein No. 58-IR to beacon lettered J on General Plan S.G. No. A.1328/39 of Highlands North Ext. No. 2 Township; thence northwards and generally north-eastwards along the boundaries of the said Township so as to include it in this area to the north-eastern beacon of the said Highlands North Ext. No. 2 Township; thence north-westwards and generally north-eastwards along the boundaries of the following farms so as to include them in this area: Rietfontein No. 61-IR, Rietfontein No. 63-IR, Witkoppie No. 64-IR, Rietpan No. 66-IR, Vlakfontein No. 30-IR, Vlakfontein No. 29-IR, the said farm Vlakfontein No. 30-IR, Petit No. 28-IR, Putfontein No. 26-IR and Knoppiesfontein No. 23-IR to the northern-most beacon of the last-named farm; thence generally south-eastwards and southwards along the boundaries of the following farms so as to include them in this area: the said farm Knoppiesfontein No. 23-IR, Holfontein No. 71-IR, Geigerle No. 238-IR, Grootvaly No. 124-IR and Daggafontein No. 125-IR to the south-western beacon of the last-named farm; thence generally westwards along the boundaries of the following farms so as to include them in this area: the said farm Daggafontein No. 125-IR, Rietfontein No. 128-IR, Witpoortje No. 117-IR, Rondebult No. 136-IR, Rooikop No. 140-IR, Katlehong No. 151-IR, Palmietfontein No. 141-IR, Rietvlei No. 101-IR, Liefde en Vrede No. 104-IR, Rietvlei No. 101-IR, Olifantsvlei No. 327-IQ, Eikenhof No. 323-IQ, Misgund No. 322-IQ, Tok No. 315-IQ, Vlakfontein No. 303-IQ, Fonteine No. 313-IQ, Hartebeestfontein No. 312-IQ, Ontevreden No. 309-IQ, Elandsfontein No. 308-IQ, Waterpan No. 292-IQ, Panvlakte No. 291-IQ, Witkleigat No. 283-IQ and Uitval No. 280-IQ to the south-western corner of the last-named farm; thence generally northwards along the boundaries of the following farms so as to include them in this area: the said farm Uitval No. 280-IQ, Blaauwbank No. 278-IQ and Rietfontein No. 256-IQ to the north-western beacon of the last-named farm; thence generally westwards along the boundaries of the following farms so as to include them in this area: Rykdom No. 276-IQ, Doornfontein No. 50-IQ, De Pan No. 51-IQ and Wildfontein No. 52-IQ to the south-western beacon of the last-named farm; thence northwards, eastwards, northwards and generally north-westwards along the boundaries of the following farms so as to include them in this area: the said farm Wildfontein No. 52-IQ, De Pan No. 51-IQ, Doornfontein No. 50-IQ, Doornfontein No. 47-IQ, Houtkop No. 43-IQ, Vooruitsig No. 48-IQ, Houtkop No. 43-IQ, Platklip No. 40-IQ, Vlakfontein No. 37-IQ, Rietfontein No. 33-IQ, Vogelstruisfontein No. 34-IQ, Syferfontein No. 381-JQ, Leeuwpoort No. 357-JQ and Olifantshoek No. 356-JQ to the north-western beacon of the last-named farm, the place of beginning."