

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. R. 1418

01 NOVEMBER 2019

DEEDS REGISTRIES ACT, 1937 (ACT NO. 47 OF 1937): AMENDMENT OF REGULATIONS

In terms of section 9 (9) of the Deeds Registries Act, 1937 (Act No. 47 of 1937), I, Thokozile Didiza, Minister of Agriculture, Land Reform and Rural Development, hereby approves the regulations contained in the Schedule as made by the Deeds Registries Regulations Board under section 10 of the said Act. The regulations will come into operation two months from the date of publication hereof in the *Gazette*.


MS THOKOZILE DIDIZA, (MP)**MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

SCHEDULE

Definitions

1. In this Schedule “the Regulations” mean the Regulations promulgated by Government Notice No. R. 474 of 29 March 1963, as amended.

Amendment of regulation 68

2. Regulation 68 of the Regulations is hereby amended-

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

“(1) If any deed conferring title to land or any interest therein or any real right, or any registered lease or sublease or registered cession thereof or any mortgage or notarial bond, is lost or destroyed and a copy is required for any purpose other than one of those mentioned in either of the last two preceding regulations, the registered holder thereof or his duly authorized agent may make written application for such copy, which application shall be accompanied by an affidavit describing the deed and stating that it has not been pledged and it is not being detained by any one as security for debt or otherwise, but that it has been actually lost or destroyed and cannot be found though diligent search has been made therefor, and further setting forth where possible the circumstances under which it was lost or destroyed: Provided that where a Registrar is satisfied that any deed mentioned in this paragraph has been inadvertently lost, destroyed, defaced or damaged by him, it shall, notwithstanding the provisions of subregulation (2), be competent for him to issue a copy thereof free of charge and without the need to comply with subregulation (1E), upon submission of an application and affidavit by the relevant conveyancer or person contemplated in section 15A (2).”;

- (b) by the substitution for subregulation (1E) of the following subregulation:

“(1E) (a) Before the issuing of a certified copy of any deed conferring title to land or any interest therein or any real right, or any registered lease or sub-lease or registered cession thereof or any mortgage or notarial bond under this regulation, the applicant shall publish, substantially in the prescribed form, a notification of intention to apply for such certified copy in an issue of a newspaper circulating in the area in which the land is situated and in the case of a notarial bond in an issue of one or more newspapers circulating in the area of every deeds registry in which such notarial bond is registered.

(b) Copies of deeds referred to in paragraph (a) shall be open for inspection in the deeds registry free of charge by any interested person, for a period of two weeks from the date of publication of the notice, during which period any interested person may object to the issue of a copy.

(c) All persons having objection to the issue of such copy must lodge such objection in writing with the relevant Registrar of Deeds within two weeks from the date of the publication of the notice.”; and

(c) by the substitution for subregulation (11) of the following subregulation:

“(11) If the registered holder of a mortgage or notarial bond (which has been lost, destroyed or is unserviceable) or his or her duly authorised agent desires to procure cancellation of the bond, and has made written application duly witnessed to the Registrar to cancel such bond, and has complied, *mutatis mutandis*, with the provisions of subregulations (1), (2) and (3) of this regulation, the Registrar shall, if he or she is satisfied that no good reason to the contrary exists, cancel the registration duplicate of such bond, and such cancellation shall be deemed to be a cancellation of such bond notwithstanding that the original of such bond was not submitted for cancellation.”.

Substitution of regulation 79bis

3. The following regulation is hereby substituted for regulation 79*bis* of the Regulations:

“79 *bis*. It shall be the duty of the Registrar to notify the Surveyor-General concerned of the registration of a general plan and where any act of registration affects a diagram.”.

Substitution of forms

4. The Regulations are hereby amended-

(a) by the substitution for form JJJ of the following form:

“FORM JJJ

*** LOST OR DESTROYED DEED**

Notice is hereby given in terms of regulation 68 of the Deeds Registries Act, 1937, of the intention to apply for the issue of a certified copy of(here describe the deed) passed byin favour of in respect of certain(here insert the description of the property, omitting extent) which has been lost or destroyed.

All interested persons having objection to the issue of such copy are hereby required to lodge the same in writing with the Registrar of Deeds atwithin two weeks from the date of the publication of this notice.

Dated at this..... day of

.....

Applicant

Address

E-mail address

Contact number

* Form does not apply to lost or destroyed bonds"; and

- (b) by the substitution for form KKK of the following form:

"FORM KKK

LOST OR DESTROYED BOND

Notice is hereby given in terms of regulation 68 of the Deeds Registries Act, 1937, of the intention to apply for the issue of a certified copy of (here insert bond code, number and year)..... passed by.....for a capital amount of..... in favour of.....*in respect of certain..... (here insert the description of the property, omitting extent) which has been lost or destroyed.

All interested persons having objection to the issue of such copy are hereby required to lodge the same in writing with the Registrar of Deeds at within two weeks from the date of the publication of this notice.

Dated at this..... day of

.....

.....

Applicant

Address

E-mail address

Contact number

* In the case of Notarial Bonds, omit reference to property”.

Short title

5. These regulations shall be known as the Deeds Registries Amendment Regulations, 2019.

DEPARTEMENT VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING

NO. R. 1418

01 NOVEMBER 2019

**REGISTRASIE VAN AKTES WET, 1937 (WET NO. 47 VAN 1937): WYSIGING
VAN REGULASIES**

Kragtens artikel 9(9) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), keur ek, Thokozile Didiza, Minister van Landbou, Grondhervorming en Landelike Ontwikkeling, hiermee die regulasies soos in die Bylae vervat, uitgevaardig deur die Registrasieregulasieraad kragtens artikel 10 van bedoelde Wet, goed. Die regulasies tree in werking twee maande vanaf die datum van publikasie hiervan in die *Staatskoerant*.



ME THOKOZILE DIDIZA, (LP)

MINISTER VAN LANDBOU, GRONDHERVORMING EN LANDELIKE
ONTWIKKELING

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken “die Regulasies” die regulasies uitgevaardig by Goewermmentskennisgewing No. R. 474 van 29 Maart 1963, soos gewysig.

Wysiging van Regulasie 68

2. Regulasie 68 van die Regulasies word hierby gewysig-

- (a) deur subregulasie (1) deur die volgende subregulasie te vervang:

“(1) As 'n akte waarby reg op grond of enige belang daarin of enige saaklike reg verleen word, of enige geregistreerde huurkontrak of onderhuurkontrak of geregistreerde sessie daarvan of enige verbandakte of notariële verband verlore raak of vernietig is, en 'n afskrif nodig is vir 'n ander doel as vir dié genoem in enigeen van die laaste twee voorafgaande regulasies, kan die geregistreerde houer daarvan, of sy behoorlik gemagtigde agent, skriftelik aansoek doen om sodanige afskrif, en dié aansoek moet vergesel wees van 'n beëdigde verklaring wat die akte beskryf en meld dat dit nie verpand of deur iemand gehou word as sekuriteit vir skuld of andersins nie, maar dat dit werklik verlore geraak het of vernietig is, en dat dit na grondige ondersoek nie te vind is nie, en verder om, waar moontlik, die omstandighede uiteen te sit waaronder dit verlore geraak het of vernietig is: Met dien verstande dat waar 'n Registrateur oortuig is dat enige akte waarna in hierdie paragraaf verwys word, onopsetlik deur hom verloor, vernietig, geskend of beskadig is, hy, nieteenstaande die bepalings van subregulasie (2), 'n afskrif daarvan gratis en sonder die noodsaaklikheid om te voldoen aan die bepalings van subregulasie (1E), kan uitreik by voorlegging van 'n aansoek en beëdigde verklaring deur die betrokke transportbesorger of persoon bedoel in artikel 15A (2).”;

- (b) deur subregulasie (1E) deur die volgende subregulasie te vervang:

“(1E) (a) Alvorens 'n gesertifiseerde afskrif van enige akte waarby reg op grond of enige belang daarin of enige saaklike reg verleen word, of enige geregistreerde huurkontrak of onderhuurkontrak of geregistreerde sessie daarvan of enige verbandakte of notariële verband kragtens hierdie regulasie uitgereik word, moet die applikant, substansieel in die voorgeskrewe vorm, 'n kennisgewing van voorneme om aansoek vir sodanige afskrif te doen publiseer in 'n uitgawe van 'n nuusblad wat in omloop is in die gebied waarin die grond geleë is, en in die geval van 'n notariële verband in 'n uitgawe van een of meer nuusblaaie wat in omloop is in die gebied van elke registrasiekantoor waarin sodanige notariële verband geregistreer is.

(b) Afskrifte van aktes na verwys in paragraaf (a) moet kosteloos in die registrasiekantoor ter insae van belanghebbendes beskikbaar gehou word, vir 'n tydperk van twee weke vanaf datum van publikasie van die kennisgewing, gedurende welke tydperk enige belanghebbende teen die uitreiking van 'n afskrif daarvan beswaar mag aanteken.

(c) Alle persone wat beswaar het teen die uitreiking van sodanige afskrif, moet skriftelike beswaar indien by die toepaslike Registrateur van Aktes binne twee weke vanaf datum van publikasie van die kennisgewing.”; en

(c) deur subregulasie (11) deur die volgende subregulasie te vervang:

“(11) As die geregistreerde houer van 'n verband of notariële verband (wat verlore geraak het, vernietig is of onbruikbaar geword het) of sy of haar behoorlik gemagtigde agent begeer om die rojering van die verband te verkry en skriftelik aansoek, behoorlik deur getuies onderteken, gedoen het by die Registrateur om die rojering van sodanige verband, en mutatis mutandis voldoen het aan die bepalings van subregulasies (1), (2) en (3) van hierdie regulasie, moet die Registrateur, as hy of sy oortuig is dat daar geen goeie rede bestaan waarom hy of sy dit nie sou doen nie, die registrasieduplikaat van sodanige verband rojeer, en sodanige rojering word geag 'n rojering van sodanige verband te wees nieteenstaande dat die oorspronklike van sodanige verband nie vir rojering voorgelê is nie.”.

Vervanging van regulasie 79bis

3. Regulasie 79bis van die Regulasies word hierby deur die volgende regulasie vervang:

“79bis. Met die registrasie van ‘n algemene plan en waar enige registrasiehandeling ‘n kaart raak, is die Registrateur verplig om die betrokke Landmeter-generaal daarvan te verwittig.”.

Vervanging van Vorms

4. Die Regulasies word hierby gewysig:-
- (a) deur Vorm JJJ deur die volgende vorm te vervang:

“VORM JJJ*** VERLORE OF Vernietigde TITELBEWYS**

Hiermee word kennis gegee dat kragtens die bepalings van regulasie 68 van die Registrasie van Aktes Wet, 1937, dit die voorneme is om aansoek te doen om die uitreiking van ‘n gesertifiseerde afskrif van(beskryf hier die akte) gepasseer deur..... ten gunste van ten aansien van sekere(voeg hier in die beskrywing van die eiendom uitsluitende die grootte) wat verlore geraak het of vernietig is.

Alle belanghebbendes wat teen die uitreiking van sodanige afskrif beswaar het, word hierby versoek om dit skriftelik in te dien by die Registrateur van Aktes te binne twee weke vanaf datum van publikasie van hierdie kennisgewing.

Gedateer te op hede die ... dag van

.....
Aansoeker

Adres

E-pos adres

Kontak nommer

* Vorm nie van toepassing op verlore en vernietigde verbande nie.”; en

(b) deur Vorm KKK deur die volgende vorm te vervang:

“VORM KKK

VERLORE OF VERNIETIGDE VERBAND

Hiermee word kennis gegee dat kragtens die bepalings van regulasie 68 van die Aktes Wet, 1937, dit die voorneme is om aansoek te doen om die uitreiking van ‘n gesertifiseerde afskrif van (voeg hier in die verbandkode, nommer en jaar) gepasseer deur vir die kapitale bedrag van ten gunste van *ten aansien van sekere (voeg hier in die beskrywing van die eiendom, uitsluitende die grootte) wat verlore geraak het of vernietig is.

Alle belanghebbendes wat teen sodanige uitreiking beswaar het, word hierby versoek om dit skriftelik in te dien by die Registrateur van Aktes te binne twee weke vanaf datum van publikasie van hierdie kennisgewing.

Gedateer te op hede die dag van
.....

.....
Aansoeker

Adres

E-pos adres

Kontak nommer

* Skrap die verwysing na eiendom in geval van notariële verbande.”.

Kort titel

5. Hierdie regulasies heet die Aktesregistrasie Wysigingsregulasies, 2019.