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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM DEPARTEMENT VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING

No. R. 195

14 March 2013

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, Gugile Ernest Nkwinti, Minister of Rural Development and Land Reform, 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 one month from the date of publication hereof in the *Gazette*.



NKWINTI, G E (MP)

MINISTER OF RURAL DEVELOPMENT AND LAND REFORM

SCHEDULE

Definitions

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

Substitution of regulation 29

2. The following regulation is hereby substituted for regulation 29 of the Regulations:

“29. In the description of immovable property in a deed or bond the extent thereof shall be expressed in words and figures.”.

Amendment of regulation 43

3. Regulation 43 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“43. (1) Every deed of transfer, certificate conferring title to immovable property, deed of cession referred to in section 32 of the Act or mortgage bond shall be prepared by a conveyancer, who shall make and sign a certificate in the undermentioned form in the upper right hand corner on the first page of the document concerned:

Prepared by me

.....

CONVEYANCER

.....

(State full name and surname in block letters)”.

Amendment of regulation 44**4. Regulation 44 of the Regulations is hereby amended-**

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

“(1) Subject to the provisions of subregulation (3), any power of attorney, application or consent required for the performance of an act of registration in a Deeds Registry and any agreement of partition referred to in section 26 of the Act executed after the coming into operation of this regulation and tendered for registration or filing of record in a Deeds Registry, shall be prepared by a practicing attorney (not necessarily practicing in the province in which such Deeds Registry is situate), notary or conveyancer, who shall make and sign a certificate in the undermentioned form in the upper right hand corner on the first page of the document concerned:

Prepared by me

.....
ATTORNEY/NOTARY/CONVEYANCER
(Use whichever is applicable.)

.....
(State full name and surname in block letters)”; and

(b) by the substitution for subregulation (5) of the following subregulation:

“(5) When a certificate referred to in subregulation (1) is signed by an attorney or notary, the fact that the signatory is a practicing attorney or notary shall be confirmed by a practicing conveyancer, who shall countersign the certificate by making and signing the following certificate thereon:

Countersigned by me

.....
CONVEYANCER

.....
(State full name and surname in block letters)".

Amendment of regulation 44A

5. Regulation 44A of the Regulations is hereby amended—

(a) by the substitution for paragraph (d)(ii)(aa) of the following paragraph:

“(aa) the necessary authority has been obtained for the signing of such document in a representative capacity on behalf of a company, close corporation, church, association, society, trust or other body of persons or an institution whether created by statute or otherwise;” and

(b) by the substitution for paragraph (d)(ii)(bb) of the following paragraph:

“(bb) the transaction as disclosed therein is authorized by and in accordance with the constitution, regulations, or founding statement or trust instrument of a trust, as the case may be, of any church, association, company, close corporation, society, trust, or other body of persons, or any institution (whether created by statute, including a foreign statute or otherwise) being a party to such document.”.

Amendment of regulation 61

6. Regulation 61 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

“(2) A Registrar may accept for registration a unilateral notarial deed of (a) cancellation of *fideicommissum* by the *fideicommissary* heirs, (b) cession of a personal servitude mentioned in section 66 of the Act, and (c)

cessions of trading rights, by the holder of such servitude or rights, provided that such deed does not impose any obligations upon the owner of the land in case of (a) or upon a cessionary in the case of (b) or (c).”.

Amendment of regulation 68

7. Regulation 68 of the Regulations is hereby amended-

- (a) by the deletion of subregulation (11A); and
- (b) by the insertion after subregulation (11) of the following subregulations:

“(11B) (a) The registered holder of a mortgage or notarial bond, or his or her duly authorised agent, who desires to procure cancellation of such bond which has been lost or destroyed and of which the registry duplicates has also been lost or destroyed, must at own expense publish (in the prescribed form) notice of intention to apply for the cancellation of the registration of such bond, in two consecutive ordinary issues of the *Gazette*.

(b) The notice of intention referred to in paragraph (a) must call upon any interested person to furnish the Registrar at the deeds registry in which the bond is registered, with an objection, if any, to the cancellation of the registration of the bond within a period of six weeks after the date of the first publication of the notice in the *Gazette*.

(11C) Where after the expiry of the six-week period referred to in subregulation (11B)(b), the registered holder of the bond, or his or her duly authorised agent, has lodge with the Registrar within a further period of six weeks, a consent to cancellation of the registration of the relevant bond, and has complied with the necessary changes with the provisions of subregulations (1), (2) and (3) of this regulation, the Registrar shall, if satisfied that no good reason to the contrary exists, endorse such consent to indicate the cancellation of the bond, and the endorsed consent shall be deemed to be a cancellation of the bond notwithstanding that the original or registration duplicate of the bond was not submitted for cancellation.”.

Amendment of regulation 73

8. Regulation 73 of the Regulations is hereby amended by the deletion of subregulation (2A).

Substitution and addition of forms

9. The Regulations are hereby amended-

(a) by the substitution for the certificate in forms D, E, F, G, H, I, J, L, M, N, O, Q, R, V, Z, KK, LL, PP, QQ, RR, SS, YY, EEE, and FFF of the following certificate:

“Prepared by me

.....

CONVEYANCER

.....

(State full name and surname in block letters)”;

(b) by the substitution for form K of the following form:

“ Form K

*** LOST / DESTROYED / INCOMPLETE / UNSERVICEABLE TITLE DEED**

(Form of publication in terms of section thirty-eight of the Act.)

Notice is hereby given that under the provisions of section thirty-eight of the Deeds Registries Act, 1937, I, the at intend to issue a Certificate of Registered Title in lieu of (here describe the deed) No. dated

..... passed by (here insert the name of the transferor) in favour of (here insert the name of the person in favour of whom the deed was passed) in respect of certain (here insert the description of the property) which has been * lost, destroyed, incomplete or unserviceable. All persons having objection to the issue of such Certificate are hereby required to lodge the same in writing with the at within six weeks after the date of the first publication in the Gazette.

Dated at this day of

Registrar of Deeds

* Delete whichever is inapplicable”;

- (c) by the substitution for the certificate in Forms T, W, MM, VV, WW and BBB, of the following certificate:

“Prepared by me

.....
 ATTORNEY/NOTARY/CONVEYANCER
 (Use whichever is applicable.)

.....
 (State full name and surname in block letters)”;

- (d) by the substitution for form SS of the following form:

“Form SS

Prepared by me

.....

Conveyancer

.....

(State full name and surname
in block letters.)

CERTIFICATE OF REGISTERED TITLE

[Issued in terms of section 43A (1) of the Deeds Registries Act, 1937 (Act 47 of 1937)]

Whereas, in terms of section 14(7)/14(8)/49(4)(b) of the Sectional Titles Act, 1986, the land held by, (disclose nature of title deed) No. dated, has reverted to the land register.

Now, therefore, in terms of the said section, I, the Registrar at do hereby certify that the said is the registered owner of (describe the land giving name, number, registration division, administrative district and extent and refer to the diagram of the land where such diagram is annexed or the original diagram deed relating to the land and set out the conditions of title) and that he/she/it is entitled thereto, the State, however, reserving its rights.

Signed at, on, and confirmed with my seal of office.

.....

Registrar of Deeds

(If required, add a registration clause approved by the Registrar.);

- (e) by the substitution for the certificate in Forms CCC and DDD of the following certificate:

"Prepared by me

.....

CONVEYANCER / AUTHORISED OFFICER

.....

(State full name and surname in block letters)"; and

(f) by the addition of the following form:

"FORM III

**Notice of intention to apply for the cancellation of the registration
of a lost / destroyed bond**

*[By virtue of regulation 68(11B) of the Deeds Registries Act, 1937 (Act 47 of
1937]*

Notice is hereby given that it is the intention to apply for the cancellation of the registration of (here insert the bond code, number and year), registered on passed by for the amount of in favour of, in respect of certain (here insert the description of the property), which bond has been lost or destroyed, and of which the registration duplicate has also been lost or destroyed.

All persons having objection to the cancellation of the registration of such bond are hereby required to lodge same in writing with the Registrar of Deeds at the deeds registry in which the bond is registered, within a period of six weeks after the date of the first publication of this notice,*being / this being the first publication.

Dated at this day of
.....

.....
Signature of registered holder of the bond, or his or her duly authorised
agent

*State date of publication of first notice/ delete whichever is not
applicable”.

Short title

10. These regulations shall be known as the Deeds Registries Amendment
Regulations, 2013.

No. R. 195

14 Maart 2013

**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, Gugile Ernest Nkwinti, Minister van Landelike Ontwikkeling en Grondhervorming, hiermee die regulasies soos in die Bylae vervat, uitgevaardig deur die Registrasieregulasieraad kragtens artikel 10 van bedoelde Wet, goed. Die regulasies tree in werking een maand vanaf die datum van publikasie hiervan in die *Staatskoerant*.

**NKWINTI, G E (MP)****MINISTER VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING**

BYLAE**Woordomskrywing**

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

Vervanging van regulasie 29

2. Regulasie 29 van die Regulasies word hierby deur die volgende regulasie vervang:

“29. By die beskrywing van onroerende goed in ‘n akte of verband moet die omvang daarvan in woorde en syfers uitgedruk word.”.

Wysiging van regulasie 43

3. Regulasie 43 van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

“43. (1) Elke transportakte, sertifikaat waarby ‘n reg op onroerende goed verleen word, akte van sessie soos bedoel in artikel 32 van die Wet op verbandakte moet opgetel word deur ‘n transportbesorger, wat ‘n sertifikaat in onderstaande vorm in die boonste regterkantse hoek op die eerste bladsy van die betrokke dokument moet aanbring en onderteken:

Opgestel deur my

.....
TRANSPORTBESORGER

.....
(Vermeld volle naam en van in blokletters)”.

Wysiging van regulasie 44

4. Regulasie 44 van die Regulasies word hierby gewysig-

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

“(1) Behoudens die bepalings van subregulasie (3) moet enige prokurasie, aansoek of toestemming wat benodig word vir die verrigting van ’n registrasie-handeling in ’n registrasiekantoor en enige verdelingsooreenkoms in artikel 26 van die Wet bedoel wat na die inwerkingtreding van hierdie regulasie verly is en vir registrasie of liassering op rekord in ’n Registrasiekantoor aangebied word, opgestel word deur ’n praktiserende prokureur (wat nie noodwendig in die provinsie waarin sodanige Registrasiekantoor geleë is, hoef te praktiseer nie), notaris of transportbesorger, wat ’n sertifikaat in onderstaande vorm in die boonste regterkantse hoek op die eerste bladsy van die betrokke dokument moet aanbring en onderteken:

Opgestel deur my

.....
PROKUREUR/NOTARIS/TRANSPORTBESORGER

(Gebruik wat ook al van toepassing is)

.....
(Vermeld volle naam en van in blokletters)”; en

(b) deur subregulasie (5) deur die volgende subregulasie te vervang:

“(5) Wanneer ’n sertifikaat bedoel in subregulasie (1) deur ’n prokureur of notaris onderteken word, moet die feit dat die ondertekenaar ’n praktiserende prokureur of notaris is, bevestig word deur ’n praktiserende transportbesorger, wat die sertifikaat moet mede-onderteken deur die volgende sertifikaat daarop aan te bring en te onderteken:

Mede-onderteken deur my

.....

TRANSPORTBESORGER

.....

(Vermeld volle naam en van in blokletters)".

Wysiging van regulasie 44A

5. Regulasie 44A van die Regulasies word hierby gewysig-

(a) deur paragraaf (d)(ii)(aa) deur die volgende paragraaf te vervang:

"(aa) die nodige magtiging verkry is vir die ondertekening van sodanige dokument in 'n verteenwoordigende hoedanigheid ten behoeve van 'n maatskappy, beslote korporasie, kerk, vereniging, genootskap, trust of ander liggaam van persone of 'n instelling hetsy geskep kragtens wet of andersins;"; en

(b) deur paragraaf (d)(ii)(bb) deur die volgende paragraaf te vervang:

"(bb) die transaksie soos dit daaruit blyk, gemagtig en in ooreenstemming is met die konstitusie, regulasie, of stigtingsverklaring, of trustdokument van 'n trust, na gelang van die geval, van enige kerk, vereniging, maatskappy, beslote korporasie, genootskap, trust of ander liggaam van persone, of 'n ander instelling (hetsy geskep kragtens wet, insluitende buitelandse wetgewing of andersins), wat 'n party by sodanige dokument is."

Wysiging van regulasie 61

6. Regulasie 61 van die Regulasies word hierby gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) ‘n Registrateur mag vir registrasie ‘n eensydige notariële akte van (a) rojering van *fidei-commissum* deur die *fidei-commissum*-erfgename, (b) sessie van ‘n persoonlike serwituut soos beoog in artikel 66 van die Wet, en (c) sessies van handelsregte, deur die houer van sodanige serwituut of regte, aanneem met dien verstande dat sodanige akte nie enige verpligtinge op die eienaar van die grond, in die geval van (a), of ‘n sessionaris in die geval van (b) of (c), oplê nie.”.

Wysiging van Regulasie 68

7. Regulasie 68 van die Regulasies word hierby gewysig deur-

- (a) subregulasie (11A) te skrap; en
- (b) na subregulasie (11) die volgende subregulasies in te voeg:

“(11B)(a) Die geregistreerde houer van ‘n verband of notariële verband, of sy of haar behoorlik gemagtigde agent, wie begeer om rojering te verkry van sodanige verband wat verlore geraak het of vernietig is en waarvan die registrasieduplikaat ook verlore geraak het of vernietig is, moet op eie koste (in die voorgeskrewe vorm) ‘n kennisgewing van voorneme om aansoek te doen vir die kansellasië van die registrasie van sodanige verband, publiseer in twee agtereenvolgende gewone uitgawes van die *Staatskoerant*.

(b) Die kennisgewing van voorneme na verwys in paragraaf (a) moet op alle belanghebbendes ‘n beroep doen om binne ‘n tydperk van ses weke nà die dag waarop die kennisgewing vir die eerste keer in die *Staatskoerant* verskyn het, ‘n beswaar, indien enige, in te dien by die Registrateur in die registrasiekantoor waarin die verband geregistreer is, tènè die kansellasië van die registrasie van die verband.

(11C) Waar die geregistreerde houer van die verband, of sy of haar behoorlik gemagtigde agent, nà die verstryking van die ses weke tydperk verwys na in subregulasie (11B)(b), toestemming tot kansellasië van die registrasie van die verband ingedien het by die Registrateur binne 'n verdere tydperk van ses weke, en met die nodige veranderinge 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 dit nie gedoen sou kon word nie, sodanige toestemming endosseer ten einde die kansellasië van die verband aan te dui, en die geëndosseerde toestemming word geag die kansellasië van die verband te wees, nieteenstaande dat die oorspronklike of registrasieduplikaat van die verband nie vir kansellasië voorgelê is nie.”.

Wysiging van Regulasie 73

8. Regulasie 73 van die Regulasies word hierby gewysig deur subregulasie (2A) te skrap.

Vervanging en byvoeging van Vorms

9. Die Regulasies word hierby gewysig-

(a) deur die sertifikaat in vorms D, E, F, G, H, I, J, L, M, N, O, Q, R, V, Z, KK, LL, PP, QQ, RR, SS, YY, EEE en FFF deur die volgende sertifikaat te vervang:

“Opgestel deur my

.....
TRANSPORTBESORGER

.....
(Vermeld volle naam en van in blokletters)”;

(b) deur vorm K deur die volgende vorm te vervang:

"Vorm K**VERLORE / VERNIETIGDE / ONVOLLEDIGE / ONBRUIKBARE
TITELBEWYS**

(Vorm vir publikasie kragtens artikel agt-en-dertig van die Wet.)

Hierby word kennis gegee dat kragtens die bepalings van artikel agt-en-dertig van die Registrasie van Aktes Wet, 1937, ek, die te, voornemens is om 'n Sertifikaat Geregistreerde Titel uit te reik in plaas van (beskryf hier die Akte) No. gedateer gepasseer deur (voeg hier die naam van die transportgewer in) ten gunste van (voeg in die naam van die persoon ten gunste van wie die Akte gepasseer is) ten aansien van sekere (voeg hier in die beskrywing van die eiendom) wat verlore geraak het of wat vernietig, onvolledig of onbruikbaar is.

Alle persone wat teen die uitreiking van sodanige Sertifikaat beswaar het, word hierby versoek om dit skriftelik in te dien by die te binne ses weke na die eerste publikasie in die Staatskoerant.

Gedateer te op hede die dag van

Registrateur van Aktes";

- (c) deur die sertifikaat in Vorms T, W, MM, VV, WW en BBB, deur die volgende sertifikaat te vervang:

"Opgestel deur my

.....
PROKUREUR / NOTARIS / TRANSPORTBESORGER

.....

(Vermeld volle naam en van in blokletters)";

(d) deur vorms SS deur die volgende vorm te vervang:

"Vorm SS

Opgestel deur my

Transportbesorger

(Vermeld volle naam en
van in blokletters)

SERTIFIKAAT VAN GEREGISTREERDE TITEL

[Uitgereik kragtens die bepalings van artikel 43A (1) van die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937)]

Nademaal die grond, blykens (vermeld die aard van die titelakte) gedateer die eiendom van ingevolge artikel 14(7)/14(8)/49(4)(b) van die Wet op Deeltitels, 1986, na die grondregister teruggeval het.

So is dit dat ek, die Registrateur te kragtens die vermelde artikel hierby sertifiseer dat die genoemde die geregistreerde eienaar is van (beskryf die grond met vermelding van naam, nommer, registrasieafdeling, administratiewe distrik en grootte en verwys na die kaart van die grond waar sodanige kaart aangeheg is of na die oorspronklike kaarttitel met betrekking tot die grond en sit die titelvoorwaardes uiteen) en dat hy/sy daarop geregtig is behoudens die regte van die Staat.

Geteken te op en met my ampseël
bekragtig.

.....

Registrateur van Aktes.

(Voeg 'n registrasieklausule by wat deur die Registrateur goedgekeur
is indien dit verlang word.);

- (e) deur die sertifikaat in vorms CCC en DDD deur die volgende sertifikaat te
vervang:

“Opgestel deur my

.....
TRANSPORTBESORGER / GEMAGTIGDE BEAMPTTE

.....
(Vermeld volle naam en van in blokletters)”; en

- (f) deur die byvoeging van die volgende vorm:

“VORM III

Kennisgewing van voorneme om aansoek te doen vir die kansellasië van die registrasie van 'n verlore / vernietigde verband

[Kragtens regulasie 68(11B) van die Registrasie van Aktes Wet, 1937 (Wet 47
van 1937]

Hierby word kennis gegee dat dit die voorneme is om aansoek te doen vir
die kansellasië van die registrasie van (voeg hier in
die verband kode, nommer en jaar), geregistreer op
..... gepasseer deur vir die
bedrag van ten gunste van
....., ten aansien van sekere
..... (voeg hier in die beskrywing van die

eiendom), welke verband verlore geraak het of vernietig is, en waarvan die registrasieduplikaat ook verlore geraak het of vernietig is.

Alle persone wat teen die kansellasië van die registrasie van die verband beswaar het, word hierby versoek om dit skriftelik in te dien by die Registrateur van Aktes in die registrasiekantoor waarin die verband geregistreer is, binne 'n tydperk van ses weke na die eerste publikasie van hierdie kennisgewing, * welke datum is / hierdie is die eerste publikasie.

Gedateer te op hede die dag van

.....

Handtekening van geregistreerde houër van verband of sy of haar
behoorlik gemagtigde agent

*Vermeld datum van publikasie van eerste kennisgewing / skrap wat nie van toepassing is nie”.

Kort titel

10. Hierdie regulasies heet die Aktesregistrasie Wysigingsregulasies, 2013.

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