

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 498

11 June 2021

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, Angela 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 one month from the date of publication hereof in the *Gazette*.


MRS ANGELA THOKOZILE DIDIZA
MINISTER FOR 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.

Substitution of regulation 16

2. The following regulation is hereby substituted for regulation 16 of the Regulations:

“16. The Chief Registrar of Deeds shall keep an electronic register of conveyancers and notaries which register must be accessible to all Registrars, and each Registrar shall keep a register of persons other than conveyancers and notaries who are authorised by any other law to prepare a deed or other document for registration or filing in a deeds registry.”.

Repeal of regulation 42

3. Regulation 42 of the Regulations is hereby repealed.

Amendment of regulation 68

4. Regulation 68 of the Regulations is hereby amended-

- (a) by the substitution for subregulation (11B) of the following subregulation:

“(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, destroyed, or became incomplete or unserviceable and of which the registry duplicates have also been lost, destroyed, or became incomplete or unserviceable, must at own expense publish (in the prescribed form) notice of intention to apply for the cancellation of the

registration of such bond, in an issue of a newspaper circulating in the area in which the mortgaged 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) 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 two weeks from the date of the publication of the notice in the newspaper.”; and

(b) by the substitution for subregulation (11C) of the following subregulation:

“(11C) Where after the expiry of the two-week period referred to in subregulation (11B)(b), the registered holder of the bond, or his or her duly authorised agent, has lodged 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 forms

5. The Regulations are hereby amended by the substitution for form V of the following form:

“Form V

Certificate of township title

[Issued under the provisions of section forty-six (4) of the Deeds Registries Act, 1937 (47 of 1937).]

Prepared by me

.....

CONVEYANCER

.....

(State full name and surname in block letters)

.....

(Disclose Legal Practice Council Membership Number)

Whereashas applied for the issue to him/her of a Certificate of Township Title under section forty-six (4) of the Deeds Registries Act, 1937, and whereas he/she is the registered owner of (here describe the land held under his title deed) under Deed of Transfer (or Grant) dated and whereas there is laid out a township called upon a portion of the aforementioned land, hereinafter described.

Now, therefore, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at do hereby certify that the said, heirs, executors, administrators, or assigns, is the registered owner of certain portion (describe it) now known as the township of of the farm (quote name, number, registration division, administrative district and quote the diagram deed and last deed in accordance with regulations) now known as (insert township name), measuring as will more fully appear from diagram S. G. hereunto annexed approved by the Surveyor-General on the (here observe the regulations regarding conditions).

And that by virtue of these presents the said, heirs, executors, administrators, or assigns, now is and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

In witness whereof I, the said Registrar of Deeds, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

Thus done and executed at the Office of the
at on this day of in the
year of Our Lord, Two thousand

.....

Registrar of Deeds

(Add a registration clause approved by the Registrar)."

Short title

6. These regulations shall be known as the Deeds Registries Amendment Regulations, 2021.

DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

NO. R. 498

11 Junie 2021

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, Angela 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 een maand vanaf die datum van publikasie hiervan in die *Staatskoerant*.


MEV ANGELA THOKOZILE DIDIZA
MINISTER: LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

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 16

2. Regulasie 16 van die Regulasies word hierby deur die volgende regulasie vervang:

"16. Die Hoofregistrator van Aktes moet 'n elektroniese register van transportbesorgers en notaris hou welke register vir alle Registrateurs toeganklik moet wees, en elke Registrator moet 'n register hou van persone buiten transportbesorgers en notaris wat by enige ander wet gemagtig is om 'n akte of ander dokument vir registrasie of liassering in 'n registrasiekantoor op te stel."

Herroeping van regulasie 42

3. Regulasie 42 van die Regulasies word hierby herroep.

Wysiging van Regulasie 68

4. Regulasie 68 van die Regulasies word hierby gewysig-

- (a) deur subregulasie (11B) deur die volgende subregulasie te vervang:

"(11B)(a) Die geregistreerde houër van 'n verband of notariële verband, of sy of haar behoorlik gemagtigde agent, wie begeer om rojering te verkry van sodanige verband wat verlore, vernietig, onvolledig of ondiensbaar geraak het, en waarvan die registrasieduplikaat ook verlore, vernietig,

onvolledig of ondiensbaar geraak het, 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 '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 nuusblaaië wat in omloop is in die gebied van elke registrasiekantoor waarin sodanige notariële verband geregistreer is.

(b) Die kennisgewing van voorneme na verwys in paragraaf (a) moet op alle belanghebbendes 'n beroep doen om binne 'n tydperk van twee weke vanaf die dag waarop die kennisgewing in die nuusblad verskyn het, 'n beswaar, indien enige, in te dien by die Registrateur in die registrasiekantoor waarin die verband geregistreer is, téén die kansellasië van die registrasie van die verband.”; en

(b) deur subregulasie (11C) deur die volgende subregulasie te vervang:

“(11C) Waar die geregistreerde houër van die verband, of sy of haar behoorlik gemagtigde agent, ná die verstryking van die twee 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 bepalinge 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 Vorms

5. Die Regulasies word hierby gewysig deur vorm V deur die volgende vorm te vervang:

"Vorm V

SERTIFIKAAT VAN DORPSTITEL

[Uitgereik kragtens die bepalings van artikel ses-en-veertig (4) van die Registrasie van Aktes Wet, 1937 (47 van 1937).]

Opgestel deur my

.....

TRANSPORTBESORGER

.....

(Vermeld volle naam en van in blokletters)

.....

(Vermeld Lidmaatskap Nommer van Regspraktykraad)

Nademaal aansoek gedoen het om die uitreiking aan hom/haar van 'n Sertifikaat van Dorpstitel kragtens artikel ses-en-veertig (4) van die Registrasie van Aktes Wet, 1937, en nademaal hy/sy die geregistreerde eienaar is van (beskryf hier die grond gehou kragtens sy titelbewys) kragtens Akte van Transport (of Grondbrief) gedateer en nademaal 'n dorp genoem uitgelê is op 'n gedeelte van voornoemde grond hieronder beskryf.

So is dit dat ingevolge die bepalings van genoemde Wet, ek, die Registrateur van Aktes te hierby sertifiseer dat voornoemde, erfgename, eksekuteurs, administrateurs of regverkrygendes, die geregistreerde eienaar is van sekere gedeelte (beskryf dit) nou bekend as die dorp van die plaas (meld naam, nommer,

registrasie-afdeling, administratiewe distrik en meld die kaartakte en laaste akte ooreenkomstig die regulasie) nou bekend as (meld naam van dorp), groot soos vollediger sal blyk uit kaart S. G. hier aangeheg, goedgekeur deur die Landmeter-generaal op (kom hier die regulasies na wat betref voorwaardes).

En dat, kragtens hierdie sertifikaat genoemde, erfgename, eksekuteurs, administrateurs of regverkrygendes, nou en voortaan daartoe geregtig is ooreenkomstig plaaslike gebruik, maar behoudens die regte van die Staat.

Ten bewyse waarvan, ek, voornoemde Registrateur van Aktes, hierdie Akte onderteken en met die ampeël bekragtig het.

Aldus gedoen en geteken op die kantoor van die Registrateur van Aktes te..... op hede die dag vanin die jaar van Ons Heer, Tweeduisend

.....
Registrateur van Aktes.

(Voeg by 'n registrasieklousule deur die Registrateur goedgekeur)".

Kort titel

6. Hierdie regulasies heet die Aktesregistrasie Wysigingsregulasies, 2021.