



rural development
& land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE CHIEF REGISTRAR OF DEEDS
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CHIEF REGISTRAR'S CIRCULAR NO. 7 OF 2019

DEEDS REGISTRAR'S CONFERENCE RESOLUTION 58/2011

1. Section 14(1) of the Sectional Titles Act 95 of 1986 (STA) empowers the Surveyor-General (SG) to require the amendment of any registered sectional plan found to be incorrect. In terms of the said section the SG has the sole discretion.
2. In terms of RCR 58/2011 substituted sectional plans whereby the numbering of sections are amended in order to bring the *de jure* position in line with the *de facto* position, is not permissible.
3. Sections on a sectional plan is described by a unique number (regulation 5(1)(k)). A SG may require registered sectional plans to be altered or amended or to be substituted if found to be incorrect, and must in terms of section 14(5) advise a Registrar of any alteration, amendment or substitution of a sectional plan which affects the description (unique number) of any section. The resolution under RCR 58/2011 is clearly *ultra vires* the Act and amounts to creating law.
4. In terms of the Registrars Conference Terms of Reference, the Chief Registrar cannot "make" law, and there is a duty on Registrars not to implement a directive by the Chief Registrar of Deeds if it would result in substituting applicable or existing legislation.
5. In terms of item 9.1 of the Registrars Conference Terms of Reference, I hereby suspend RCR 58/2011 with immediate effect. The matter will be referred to the next Registrars Conference as required by the said Terms of Reference

CHIEF REGISTRAR OF DEEDS

DATE: 25/11/2019

REFERENCE: A. 14/P AND 10/2/3
RINGBINDER 54

CHIEF REGISTRAR OF DEEDS
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DEEDS TRAINING
LAW SOCIETY OF SOUTH AFRICA: PRETORIA
LEGAL PRACTICE COUNCIL