



rural development & land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE CHIEF REGISTRAR OF DEEDS
Private Bag X918, Pretoria, 0001; Tel: 012 338 7000

CHIEF REGISTRAR'S CIRCULAR NO. 5 OF 2019

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

1. COMMENCEMENT OF AMENDED REGULATIONS

The amended regulations, published under Government Notice No. R. 1418 in Government Gazette No. 42813 dated 1 November 2019, shall be effective two months from date of publication thereof. From a practical implementation point the amended provisions must therefore be complied with from 2 January 2020

2. NATURE AND/OR IMPACT OF THE AMENDMENTS

2.1. Amendment of regulation 68:

2.1.1 The proviso to regulation 68(1) now provides that if the Registrar is satisfied that any deed mentioned therein, namely in sub-regulation (1), has inadvertently been lost, destroyed, defaced or damaged by him/her, it will be competent for him/her to issue a copy thereof without the need to comply with sub-regulation (1E). It will thus not be necessary to advertise in newspapers a notification of intention to apply for such copies in those instances.

2.1.2 Regulation 68(1E)(a) now provides that certified copies of deeds referred to in sub-regulation (1) may not be issued unless the applicant has published, substantially in the prescribed form, a notice of intention to apply for such certified copies 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.

The implication of the above is that apart from the written application and affidavit contemplated by sub-regulation (1), proof of compliance with sub-regulation (1E) must also be submitted.

Seeing that the practical implementation of the amended provisions must be complied with from 2 January 2020, no certified copy of a deed may be issued from that date without proof of publication of the prescribed notice.

In terms of paragraph (b) of sub-regulation (1E), copies of deeds referred to in paragraph (a) must 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. It stands to reason that an application for a certified copy in terms of sub-regulation (1) of regulation 68 can therefore not be lodged at a deeds registry within two weeks from the date of publication of the notice.

- 2.1.3 Sub-regulation (11) has been amended to do away with the requirement of advertising as was required in terms of the amendment thereof *vide* Government Notice GN 62 dated 25 January 2019, the operation of which was suspended by the Regulation Board and conveyed to Registrars and others *vide* CRC 1/2019.

2.2. Amendment of Regulation 79bis:

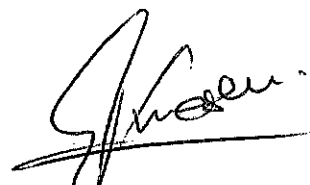
The above regulation has been amended to make it a requirement for Registrars to now also inform the Surveyor-General of the registration of general plans.

2.3. Substitution of Forms JJJ and KKK:

The amended (substituted) Forms JJJ and KKK are consequential to the amendment of regulation 68. Form JJJ must be used for all deeds provided for in regulation 68(1), excluding mortgage bonds, whilst form KKK may only be used for bonds.

3. REPEAL OF PRIOR CHIEF REGISTRAR'S CIRCULAR

CRC 1/2019 is hereby repealed.



CHIEF REGISTRAR OF DEEDS

DATE: 25/11/2019.

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

RINGBINDER 54

CHIEF REGISTRAR OF DEEDS

REGISTRARS OF DEEDS

DEEDS TRAINING

LAW SOCIETY OF SOUTH AFRICA: PRETORIA

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CHIEF REGISTRAR'S CIRCULAR NO. 6 OF 2019

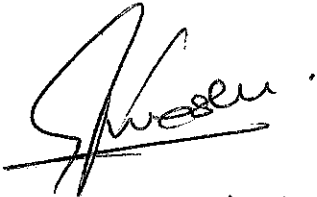
PROCEDURE TO BE FOLLOWED WITH REGARD TO THE EXPEDITING OF DEEDS

1. The following procedure must be followed with regard to the expediting of deeds:
 - 1.1. The conveyancer/person contemplated in section 15A(2) (hereinafter referred to as "statutory officer"), must make written application to the Registrar of Deeds for the expediting of the deed(s);
 - 1.2. The application referred to above must contain the following information:
 - 1.2.1. A full description of the transaction, including the names of the parties, the type of transaction and the property description;
 - 1.2.2. Full motivation why the transaction should be expedited;
 - 1.2.3. A certificate stating that there are no interdicts, orders of Court or any other encumbrances applicable to or pending against the transaction;
 - 1.2.4. Provision for the name and signature of the applicant conveyancer/statutory officer as well as the date on which the application is made; and
 - 1.2.5. Provision for the name and signature of the Registrar of Deeds approving the application as well as the date upon which such approval is granted.

- 1.3. The conveyancer/statutory officer must sign and date the application and submit it to the Registrar of Deeds.
- 1.4. Upon approval of the application, the Registrar of Deeds must:-
 - 1.4.1. Sign and date the application form;
 - 1.4.2. Affix a red sticker to the deed (or in the case of a set / batch of deeds, the first deed of such set or batch);
 - 1.4.3. Write the following words on the cover of the deed: "*Expedited for execution (or registration) on (date), if in order*";
 - 1.4.4. Affix his or her signature and date to the sticker;
 - 1.4.5. Record the full particulars of the transaction, the date of the application, the name and firm number of the applicant conveyancer/statutory officer, and the name of the person (Registrar of Deeds or Deputy Registrar of Deeds) who authorised the expediting in a register kept for this purpose; and
 - 1.4.6. Include the signed and approved application form as a supporting document with the deed or, in the case of a set or batch of deeds, with the first deed in such set or batch.
- 1.5. The deed(s) must thereafter be lodged by the conveyancer/statutory officer in the normal manner.
- 1.6. No deed or document shall be permitted to enter the deeds registration system process other than by way of lodgement.
- 1.7. No deed or document shall be permitted to bypass any registration process or any section within a deeds registry forming part of the normal deeds registration system process in that registry for that particular type of deed.
- 1.8. The task of expediting deeds may be delegated by the Registrar of Deeds to one Assistant Registrar of Deeds or one Deputy Registrar of Deeds in his/her registry.
- 1.9. Registrars of Deeds must strictly control the expediting procedures, and monitor such through regular inspection of the register referred to in paragraph 1.4.5 above.

2. WITHDRAWAL OF CHIEF REGISTRAR'S CIRCULAR NO. 5 OF 2010

Chief Registrar's Circular No. 5 of 2010 is hereby withdrawn. Chief Registrar's Circular No. 2 of 1993, which was withdrawn by CRC 5 of 2010, remains withdrawn.



CHIEF REGISTRAR OF DEEDS

DATE: 25/11/2019

REFERENCE: A 14/P

RINGBINDER: 44

CHIEF REGISTRAR OF DEEDS

REGISTRARS OF DEEDS

DEEDS TRAINING

DIRECTOR: LEGAL PRACTICE COUNCIL OF SOUTH AFRICA: PRETORIA

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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

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