



agriculture, land reform & rural development

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE CHIEF REGISTRAR OF DEEDS

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CHIEF REGISTRAR'S CIRCULAR NO 2 OF 2022

APPLICATION OF REGULATIONS 68(1E) AND 68(11B) OF THE DEEDS REGISTRIES ACT, 1937

1. PURPOSE

The purpose of this circular is to eliminate the hardship caused by the provisions of regulations 68(1E) and 68(11B) of the Deeds Registries Act 47 of 1937, (DRA), in instances where properties are situated in areas where there are no newspapers in circulation.

2. DISCUSSION

Regulation 68(1E)(a) of the DRA requires that before a Registrar may issue a certified copy of any deed contemplated by regulation 68(1), the applicant must publish 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. The same legislative requirement applies regarding regulation 68(11B)(a). The word "area" is not defined in the DRA and it makes it sometimes impossible, especially in rural and remote areas, to prove the circulation area of newspapers.

The Deeds Registries Regulation Board acknowledged that the current wording of the said regulations cause hardship in many instances to clients, and at its meeting held on 25 August 2022 amended regulations 68(1E)(a) and 68(11B)(b) to read as follows:

'68.(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] administrative district 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.'

'68.(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] administrative district 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.'

The above regulations are amended by substituting the word "area" for the words "administrative district".

The amended regulations have been submitted to the Minister for approval where after it will be published in the Government Gazette, as required by section 9(9) of the DRA.

3. IMPLEMENTATION OF AMENDED REGULATIONS

To facilitate the circumstances where it is impossible to comply with the current provisions of the said regulations, I have decided, with the unanimous support of the members of the said Regulation Board, to implement the provisions of the amended regulations as from date hereof, with the effect that proof of publication in a newspaper circulating in the administrative district in which the land is situated, will suffice.



CHIEF REGISTRAR OF DEEDS

DATE: 21 November 2022

REFERENCE: 14/P

RINGBINDER 17

CHIEF REGISTRAR OF DEEDS

REGISTRARS OF DEEDS

DEEDS TRAINING

DIRECTOR: LAW SOCIETY OF SOUTH AFRICA : PRETORIA

LEGAL PRACTICE COUNCIL OF SOUTH AFRICA : PRETORIA