



**2024 CONVEYANCING EXAMINATIONS
CONVEYANCING EXAMINATION SYLLABUS**

1. INTRODUCTION

It is required of examiners appointed in terms of the Legal Practice Act of 2014 as amended, to conduct examinations in respect of the law, practice and procedure of conveyancing, to satisfy themselves, based on written and oral examinations, that candidates have satisfactorily answered the questions put to them and have shown that they possess sufficient practical knowledge of the said subjects. Candidates need to be familiar with **Conference Resolutions and Chief Registrars Circulars up until 2023**.

2. EXAMINATION CRITERIA

The written examination comprises **two papers**. Kindly note that to afford candidates more time, the papers are written on separate days.

2.1 First Paper

Wednesday, 24 April / 18 September 2024 (9:00 – 11:15)

The first paper, which consists of short questions, is designed to test the knowledge of the candidates of various statutes, ordinances and decided cases applicable to conveyancing. One hundred [100] marks are awarded to this paper.

2.2 Second Paper

Wednesday, 17 April / 11 September 2024 (09:00 - 13:15)

The second paper is designed to test the competence of a candidate mainly in the practice and procedure of conveyancing. It consists of questions which require candidates to draft such deeds, certificates, applications, consents, agreements, and other documents as will indicate whether candidates possess enough practical knowledge. Two hundred [200] marks are awarded to this paper.

2.3 Pass requirements.

A score of 50% for each of the two written papers constitutes a pass mark, and candidates will, in the ordinary course, not be required to present themselves for an oral examination if an aggregate of 50% or more is achieved in each paper.

The examiners do, however, have the right to request an oral examination of any candidate to satisfy themselves that a candidate has sufficient knowledge of the subjects. Candidates who achieve a score of 40% to 49% have failed the examination but will qualify for an oral examination. A candidate who achieves an aggregate of less than 40% in each paper fails and is required to rewrite the examination.

The candidate who achieves a score of 50% in any one of the two papers will be allowed to carry that score over, and it will not be necessary to rewrite that paper, provided the candidate passes the outstanding paper within two (2) years.

2.4 Times

- The first paper is a two-hour paper (09:00 - 11:15).
- The second paper is a four-hour paper (09:00 - 13:15).

Candidates will, in both papers, be granted an additional 15 minutes to study the questions before they write.

3. REQUIREMENTS

For these examinations, candidates are required to:

- 3.1 be **fully conversant with the Acts** (and their regulations) pertaining to land registration in a Deeds Registry, namely Deeds Registries Act 47 of 1937, Sectional Titles Act 95 of 1986, and the relevant Government notices and Circulars issued by the Chief Registrar of Deeds and provincial registrars and resolutions adopted by the Registrars' Conferences. Candidates are **NOT** required to memorise the prescribed forms which appear in the regulations in terms of the Deeds Registries Act and the Sectional Titles Act, as copies of both Acts will be provided **for the second paper only** and
- 3.2 be fully aware of the responsibilities of conveyancers and the professional conduct expected from conveyancers;
- 3.3 to have a working knowledge of the sections of the Acts and Ordinances pertaining to conveyancing (i.e. in addition to those mentioned below) and the various judgments of courts applying thereto particularly the following:

- a) **Administration of Estates Act**, 66 of 1965 sections 1, 35(12), 37 - 42, 47, 49, 80, 81 and 94.
- b) **Advertising on Roads and Ribbon Development Act**, 21 of 1940, sections 1 and 11.
- c) **Agricultural Holdings (Transvaal) Registration Act** 22 of 1919 (Northern Provinces candidates only) sections 1, 5, 6 and 7;
- d) **Alienation of Land Act**, 68 of 1981 – the entire Act.
- e) **Births and Deaths Registration Act**, 55 of 1992, sections 23-27.
- f) **Black Communities Development Act**, 4 of 1984, sections 52 – 57B.
- g) **Children’s Act 38 of 2005**, sections 17 - 21.
- h) **Civil Union Act 17 of 2006** – the entire Act.
- i) **Close Corporations Act**, 69 of 1984, sections 1, 22, 26, 40, 46, 52 and 66.
- j) ***Collective Investment Schemes Control Act**, 45 of 2002 – sections 52 – 62.
- k) **Companies Act**, 71 of 2008 – section 1: definitions of the following concepts: “affected company” “all or the greater part of the assets or undertaking”, “amalgamation of merger”, “external company”, “foreign company”, “pre-incorporation contract”; section 11(1) and 11(3), relating to the names and description of companies; section 16(1), relating to the amendment of the Memorandum of incorporation which includes the amendment of the names of the company; section 19(1)(b), 19(4), 19(5) and section 20(1)-(3), 20(6), 20(7) relating to the capacity of the company to act, the doctrine of constructive notice and the statutory *Turquand* rule; section 21, regarding pre- incorporation contracts; section 23(1), (2) and (2A); section 44, relating to financial assistance for subscription of securities; section 45 relating to financial assistance to directors and to holding and other related companies; section 57(3), section 66(1) relating to the authority of directors; section 112(1), (2) and (3) and section 115(2), relating to the disposal of all or the more significant part of the assets or undertaking of a company; section 117, section 118, section 119, section 129(1), 131(1), 140(1)(a), relating to business rescue; item 2 of Schedule 1 (Fundamental transactions by non-profit company), item 1 of Schedule 2 (conversion from close corporation to company); Chief Registrar’s Circular 1/2024.
- l) **Companies Act** 61 of 1973 – sections 348, 357, 359(1)(b), 375, 376, 386(2)(6)
- m) **Community Schemes Ombud Service Act**, 9 of 2011 – the following definitions in section 1: “chief ombud”, “community scheme”, “Service”; section 2, 4(1)(c) and (d), 38, 39, 59; Regulations 1, 15,16, and 18

- n) **Constitution of the Republic of South Africa Act**, 108 of 1996, sections 103 and 166, as well as item 28 of schedule 6.
- o) **Consumer Protection Act**, 68 of 2008 – Definitions in section 1 of the following terms: “business”, “consumer”, “consideration”, “goods”, “juristic person”, “service”, “supplier”, “supply” of goods and “transaction”; sections 5(1) and (2), 6, 16(3), 22, 23, 26, 29, 32(1), 33, 39, 44, 45, 48, 49, 51(1)(a) – (c), 53, 55, 56, 57, 65(3) and 113; Regulation/s 44
- p) **Donation tax imposed by the Income Tax Act**, 58 of 1962: sections 54 - 64.
- q) **Expropriation Act**, 63 of 1975 – sections 1, 3, 5, 7, 8, 9 and 19.
- r) **Financial Intelligence Centre Act**, 38 of 2001 - the entire Act.
- s) **Formalities in Respect of Leases of Land Act**, 18 of 1969 - the entire Act.
- t) **Housing Consumers Protection Measures Act**, 95 of 1998 - sections 1, 1A, 10, 10A, 13, 14, 18 and 21.
- u) **Immovable Property (Removal or Modification of Restrictions) Act**, 94 of 1965 – sections 1 and 6 – 9.
- v) **Immigration Act**, 13 of 2002 – sections 1, 42 and 49.
- w) **Income Tax Act**, 58 of 1962 - sections 1, 35A, 42, 44, 45, 46 and the Eight Schedule (referring to Capital Gains Tax);
- x) **Insolvency Act**, 24 of 1936 sections 2, 5, 17, 18, 19, 20, 21, 24, 25, 26, 27, 56, 34, 35, 80bis, 81 - 88, 127A, 128, 129 and 135(3).
- y) **Intestate Succession Act**, 81 of 1987 - the entire Act.
- z) **Land Survey Act**, 8 of 1997 – sections 1, 6, 14, 16, 17, 18, 19, 20, 37 and 38 as well as Regulations 20, 21 and 22
- aa) **Local Government Municipal Systems Act** No 32 of 2000 – section 118;
- bb) **Matrimonial Property Act**, 88 of 1984 – sections 1, 5, 11, 12, 14 – 16, 20, 21 and 22.
- cc) **Property Practitioners Act**, 22 of 2019 – sections 1, 2, 47, 48, 56, 67 and 68;
- dd) **Recognition of Customary Marriages Act** 120 of 1998 - the entire act.
- ee) **Sectional Titles Management Act**, 8 of 2011 – the entire Act.
- ff) **Share Blocks Control Act**, 59 of 1980 – sections 1, 4, 5, 7, 8, 8A, 9, 11, 11B, 14, 16, 17, 18,

22 and the provisions of Schedule 1 and 2.

- gg) ***Spatial Planning and Land Use Act*** 16 of 2013 (“SPLUMA”) – the following definitions in section 1: “applicant”, “land”, “land development”, “land use”, “land use scheme”, “Municipal Planning Tribunal”, “restrictive condition”, “spatial development framework” and “zone”; section 2, 3(a), 20(1), 21(a), 24(1), 25(1), 32(1), 33, 35(1) – (3), 40(7)(a) and (b), 41, 43, 45(6), 46, 47(1) and (5), 49(1) and (2) and 53.
- hh) ***Subdivision of Agricultural Land Act***, 70 of 1970 - the entire Act.
- ii) ***High Court Rule*** No 63 and the Hague Convention - candidates must be aware of this rule and Convention but are not expected to know the rule off by heart.
- jj) ***Transfer Duty Act***, 40 of 1949 – the entire Act.
- kk) ***Trust Property Control Act***, 57 of 1988 – the entire Act.
- ll) ***Upgrading of Land Tenure Rights Act, 112 of 1991 – the entire Act;***
- mm) ***Value Added Tax Act***, 89 of 1991 - the following definitions in section 1: “enterprise”, “considerations”, “dwelling” “fixed property”, “goods”, “input tax” “output tax” “sale” “supplier”, “supply” “tax invoice” and “vendor”; section 7(1)(a), 9(1), 9(3)(d), 10(3)-(4), 11(1)(e), 12(a), 12(c)-(m), 18A, 18B, 20(1), 23(1) and (4), 39(1) and 64. Candidates should also be able to identify whether transfer duty or VAT is payable in respect of a transaction relating to immovable property or a limited fundamental right therein and at what rate the relevant tax is payable.
- nn) ***Provincial Ordinances and By-laws*** relating to local authorities, township development, subdivision and consolidation of erven, charges and levies, and related matters as may apply in the province where the candidate practises.
- oo) Resolutions of Registrars’ Conferences which impact on the law, practice and procedure of conveyancing.
- pp) **Any regulations issued in terms of the aforesaid Acts and Ordinances.**

NOTE:

Candidates must also study the following Acts and have sufficient knowledge of them to enable them to answer possible questions, which will, however, in total, not be awarded more than 10% of the marks in any given paper, namely:

- **Abolition of Certain Title Conditions Act** No. 43 of 1999 – the entire Act;
- **Electronic Communications and Transactions Act** No. 25 of 2002 – sections 1, 4, 11, 12, 13, 14, 44 and schedules 1 & 2;
- **Housing Development Schemes for Retired Persons Act**, 65 of 1988 – sections 1 - 4, 6, 7 and 8.
- **National Credit Act** 34 of 2005 – the following definitions in section 1: “consumer”, “credit”, “credit agreement”, “credit provider”, “mortgage” and “mortgage agreement”; section 4, 8(1), 9, 40(1) and (4), 89, 90, 91(2), 92, 103(1), (4) and (6), 129(1) and 130(1); Regulation/s 32 and 42.
- **Property Time Sharing Act**, 75 of 1983 – sections 1-5, 7, 9 and 10;
- **Restitution of Land Rights Act**, 22 of 1994 – sections 1, 2, 3 and 11;
- **The Extension of Security of Tenure Act**, 62 of 1997 – sections 1, 2, 6, 7 and 8.

GENERAL

Candidates must have a practical knowledge of conveyancing and are, therefore, urged also to study the following material in preparation for the exam:

- Registrars Conference Resolutions 1938 - 2020 (Butterworths)
- Chief Registrars Circulars (Lexis Nexis)
- Relevant Registrars Circulars (Local Deeds Registry)
- Deeds Practice Manuals (Juta)