



**rural development
& land reform**

Department:
Rural Development & Land Reform
REPUBLIC OF SOUTH AFRICA

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REGISTRAR CIRCULAR NO 6/2010

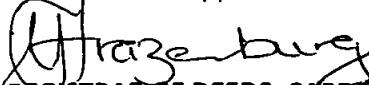
Deregistration of Mineral Rights

Purpose: To provide for the implementation of RCR 48/2009 and CRC 11/2004, and the procedure to deal with conditions relating to rights to minerals, certificates of rights to minerals, prospecting contracts, mineral leases and subleases.

- 1) Registrar's Circular 1 of 2010 is hereby withdrawn in its entirety.
- 2) Upon transfer or registration of a Certificate of Registered Title or Consolidated Title of a property from a title that contains a condition/s relating to minerals a "Not Subject" clause must be created in the follow up deed.
- 3) The mineral condition must be omitted from the new deed of transfer, Certificate of Registered or Consolidated Title and the following clause must be inserted in the said deed:-

Not subject to condition/s on page/s.....of Deed of Transfer (Or whatever the holding title might be), by virtue of Section 53 of the Mining Titles Registration Amendment Act 24 of 2003.

- 4) No new pivot deed reference should be created if no pivot deed reference exists in the holding title.
- 5) When the property is subsequently transferred, the "Not Subject" clause must be omitted and the current title will become the pivot deed.
- 6) This Circular finds application irrespective whether the condition/s was created before or after the commencement of the Deeds Registries Act No. 47/1937 (1 September 1937).
- 7) Where the mineral right condition is not an "out and out" condition or where such a condition is ancillary, then the mineral condition should be perpetuated in the new Deed of Transfer, Certificate of Registered Title or Certificate of Consolidated Title.
- 8) When opening a Sectional Title Register in terms of Section 11 of Act 95/1986 (the Sectional Titles Act) and the holding deed has a condition/s relating to minerals a "Not Subject" clause must be inserted in the Schedule of Conditions.
- 9) This Circular is applicable with immediate effect.


REGISTRAR OF DEEDS, CAPE TOWN

Dated: 4 November 2010