

CHIEF REGISTRAR'S CIRCULAR NO. 5 OF 2010

PROHIBITION ON EXPEDITING DEEDS IN ALL DEEDS REGISTRIES

1. PROHIBITION ON EXPEDITING DEEDS (OTHER THAN DEEDS RELATING TO LAND REFORM TRANSACTIONS)

Registrars of Deeds must, with immediate effect, discontinue the expediting of deeds that do not relate to land reform transactions and housing (RDP projects). All other deeds must follow the normal processes and time frames that are prescribed.

2. PROCEDURE TO BE FOLLOWED WITH REGARD TO THE EXPEDITING OF DEEDS RELATING TO LAND REFORM TRANSACTIONS AND RDP PROJECTS:

2.1. The following procedure must be followed with regard to the expediting of deeds that relate to land reform transactions and RDP projects:

2.1.1. The conveyancer must make written application to the Registrar of Deeds for the expediting of the deed(s);

2.1.2. The application referred to above must contain the following information:

2.1.2.1. A full description of the transaction, including the names of the parties, the type of transaction and the property description;

2.1.2.2. Full motivation why the transaction should be expedited;

2.1.2.3. A certificate stating that there are no interdicts, orders of Court or any other encumbrances applicable to or pending against the transaction;

2.1.2.4. Provision for the name and signature of the applicant conveyancer as well as the date on which the application is made; and

2.1.2.5. 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.

2.1.3. The conveyancer must sign and date the application and submit it to the Registrar of Deeds.

2.1.4. Upon approval of the application, the Registrar of Deeds must:-

- 2.1.4.1. Sign and date the application form;
 - 2.1.4.2. 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);
 - 2.1.4.3. Write the following words on the sticker: "Expedited for execution (or registration) on (date), if in order";
 - 2.1.4.4. Affix his or her signature and date to the sticker;
 - 2.1.4.5. Record the full particulars of the transaction, the date of the application, the name and firm number of the applicant conveyancer, 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
 - 2.1.4.6. 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.
- 2.1.5. The deed(s) must thereafter be lodged by the conveyancer in the normal manner.
- 2.1.6. No deed or document shall be permitted to enter the deeds registration system process other than by way of lodgement.
- 2.1.7. 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.
- 2.1.8. The task of expediting deeds may be delegated by the Registrar of Deeds to one Deputy Registrar of Deeds in his/her registry. Under no circumstances may the task of expediting deeds be delegated to more than one Deputy Registrar of Deeds at the same time.
- 2.1.9. In registries where there are more than one Deputy Registrar of Deeds on the establishment, the task of expediting deeds shall be delegated on a rotational basis to the Deputy Registrars of Deeds. Rotation must be on a monthly basis and under no circumstances shall any one person be allowed to perform this task for two consecutive months.
- 2.1.10 Registrars of Deeds must strictly control the expediting procedures, and monitor such through regular inspection of the register referred to in paragraph 2.1.4.5 above.

2.1.11. Any transgression of the principles laid down in this Circular will be treated as misconduct and the relevant Registrar of Deeds must see to it that appropriate disciplinary steps are taken against the person(s) responsible.

3. WITHDRAWAL OF CHIEF REGISTRAR CIRCULAR NUMBER 2 OF 1993

Chief Registrar's Circular No. 2 /1993 is hereby withdrawn.

CHIEF REGISTRAR OF DEEDS

DATE: 04 JUNE 2010

REFERENCE: A.6/2/P

FRINGENDER: 44

CHIEF REGISTRAR OF DEEDS

REGISTRARS OF DEEDS

THE CHIEF: DEEDS TRAINING

DIRECTOR: LAW SOCIETY OF SOUTH AFRICA: PRETORIA

MANAGER: BUTTERWORTHS PUBLICATIONS: DURBAN

CHAIRPERSON: PROPERTY LAW COMMITTEE: PRETORIA