

# CHIEF REGISTRAR'S CIRCULAR NO. 4 OF 2008

## ASTRONOMY GEOGRAPHIC ADVANTAGE ACT, 2008 (ACT NO. 21 OF 2007)

### 1. COMMENCEMENT OF THE ACT

The Astronomy Geographic Advantage Act, 2007 (Act No. 21 of 2007), herein after referred to as the Act, shall come into operation on a date to be determined by the President by proclamation in the *Gazette* (section 53 of the Act).

### 2. PURPOSE OF THE ACT

The purpose of the Act is, amongst other things, to provide for the preservation and protection of areas within the Republic that are uniquely suited for optical and radio astronomy; and to provide for matters connected therewith.

### 3. IMPACT OF ACT ON DEEDS REGISTRIES AND REGISTRATION PROCEDURES

#### 3.1. DECLARATION OF ASTRONOMY ADVANTAGE AREAS

3.1.1. The Minister responsible for science and technology may, in terms of sections 7(1) and 9(1) of the Act, declare a specific area as -

- (i) a **core** astronomy advantage area; or
- (ii) part of an existing core astronomy advantage area; or
- (iii) a **central** astronomy advantage area; or
- (iv) part of an existing central astronomy advantage area.

3.1.2. The Minister may withdraw a declaration referred to in paragraph 3.1.1 by notice in the *Gazette* (sections 8 and 10 of the Act).

#### 3.2. NOTIFICATION TO THE REGISTRAR OF DEEDS

3.2.1. The Minister must notify the Registrar of Deeds in writing whenever an area is declared as a core or central astronomy advantage area, or as part thereof, or whenever a declaration in respect thereof is withdrawn or altered (section 14(1)).

3.2.2. The above-mentioned notification must include a description of the land involved and, if applicable, the terms and conditions that must be recorded in a notarial deed and registered against the title deed of the property (section 14(2) read with section 18(6) of the Act).

### 3.3. ENDORSEMENT OF TITLE DEEDS TO REFLECT DECLARATION, ALTERATION OR WITHDRAWAL AND REGISTRATION OF NOTARIAL DEED

- 3.3.1. The Registrar of Deeds must, on receipt of a notification referred to in paragraph 3.2.1 above, record any declaration, withdrawal or alteration in the relevant registers and documents in terms of section 3(1)(w) of Act No. 47 of 1937 (section 14(3)).
- 3.3.2. In compliance with the provisions of section 14(3) of the Act, the Registrar of Deeds must note a caveat against the immovable property concerned to the effect that the title deed of the property must be endorsed whenever it is lodged for an act of registration. A caveat in the above-mentioned regard must contain clear instructions with regard to the endorsement of the title deed of the property concerned.
- 3.3.3. Whenever the relevant title deed/s has/have been lodged for whatever purpose, the same must be endorsed along the following lines:

Endorsement in terms of section 14(3) of Act No. 21 of 2008:

\*The within-mentioned property has, by notice issued by the Minister responsible for science and technology, been declared \* a core astronomy advantage area / part of an existing core astronomy advantage area / a central astronomy advantage area / part of an existing central astronomy advantage area, \*\*subject to the conditions contained therein.

OR

\*The notice of declaration as \* a core astronomy advantage area / part of an existing core astronomy advantage area / a central astronomy advantage area / part of an existing central astronomy advantage area, on the within-mentioned property, has by virtue of a notice in Gazette No. \*\*\*.... \* been amended / withdrawn.

DATE


REGISTRAR OF DEEDS

- \* Omit whichever is inapplicable  
 \*\* State terms and conditions contained in Notice  
 \*\*\* Insert number of relevant Government/Provincial Gazette

- 3.3.4. In instances where the relevant title deed of the immovable property is lodged for purposes of the registration of a notarial deed as contemplated in section 18(6) of the Act, the said title deed should not be endorsed re the endorsement referred to in paragraph 3.3.3 above. Registration of the notarial deed and the recordal thereof against the title deed is sufficient for the purposes of complying with the Act.
- 3.3.5. Once the endorsement referred to in paragraph 3.3.3 has been effected or the notarial deed contemplated in section 18(6) of the Act registered, then the caveat that had been noted against the property must be purged.

#### 4. REGISTRATION FEES

No registration fee is payable with regard to effecting the endorsement referred to in paragraph 3.3.3.



**CHIEF REGISTRAR OF DEEDS**

**DATE:** *30 July 2008*

REFERENCE : A6/2/P and A.1/3/1/211  
RINGBINDER : 68

**CHIEF REGISTRAR OF DEEDS  
REGISTRARS OF DEEDS  
THE CHIEF: JUSTICE TRAINING  
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