

# CHIEF REGISTRAR'S CIRCULAR NO. 1 OF 2012

## RECTIFICATION OF TITLE DEEDS AND UPDATING OF DEEDS REGISTRY RECORDS REGARDING THE VESTING OF STATE LAND

### 1. INCORRECT VESTING OF IMMOVABLE STATE LAND

- 1.1. This Circular contains procedures for the rectification of title deeds and the updating of deeds registry records with regard to the vesting of immovable state land.
- 1.2. The vesting of immovable property in the name of the National / Provincial Government is discussed in Chief Registrar's Circular No. 9 of 2008. However, the procedure contained in *CRC9/2008*, is not correctly implemented in all the deeds registries. Many registered title deeds incorrectly reflect, amongst other things, a Government Department or the 'Republic of South Africa', as the registered owner of state land.

### 2. RECTIFICATION OF TITLE DEEDS AND UPDATING OF DEEDS REGISTRY RECORDS

- 2.1. Immovable property belonging to the state should, notwithstanding the possible incorrect wording in the Item 28(1) certificate, only be vested in either the National Government of the Republic of South Africa, or the relevant Provincial Government.
- 2.2. The endorsing of title deeds to reflect the correct vesting in respect of immovable property belonging to the state, must be given effect to when the relevant title deed/s is/are lodged together with an application for an endorsement in terms of section 3(1)(v) of Act No. 47 of 1937. The application must make reference to the incorrect vesting of the property in terms of Item 28 (1) of Schedule 6 of Act No. 108 of 1996 (see par. 2.6 infra).
- 2.3. An application referred to in par. 2.2 must be made by an authorised official of the Department of Public Works or the Department of Rural Development and Land Reform.
- 2.4. The relevant deed/s must be endorsed along the following lines:

**Endorsement in terms of section 3(1)(v) of Act No. 47 of 1937**

The within-mentioned \*property / right /asset vests in the:

\*National Government of the Republic of South Africa / Provincial Government  
of ..... (state relevant Province)"

Application filed with BC

.....  
DATE:


.....  
REGISTRAR OF DEEDS

\* Omit whichever is inapplicable.

- 2.5. The capturing by data of the vesting referred to in par. 2.4 will result in the natural updating of the deeds registry records.
- 2.6. Examiners must note that the procedure in par. 2.2 can only be implemented in instances where an *incorrect* vesting of immovable property belonging to the state in terms of an Item 28 (1), has occurred.

**3. OFFICE FEES**

No fee or other charge is payable in respect of a registration in terms of Item 28(1) of Schedule 6 of Act No. 108 of 1996 (see Item 28(2)). An office fee, therefore, must not be charged in respect of an endorsement referred to in paragraph 2.4 above.



**CHIEF REGISTRAR OF DEEDS**  
DATE: 23 / 01 / 2012

REFERENCE: A 6/2/P  
RINGBINDER 58

CHIEF REGISTRAR OF DEEDS  
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