

## CHIEF REGISTRAR'S CIRCULAR NO. 4 OF 2012

### COLLECTIVE INVESTMENT SCHEMES CONTROL ACT, 2002 (ACT NO. 45 OF 2002)

#### - CHANGE OF TRUSTEE

#### 1. VESTING OF IMMOVABLE PROPERTY IN RESPECT OF COLLECTIVE INVESTMENT SCHEMES AND CHANGE OF TRUSTEE

- 1.1. The vesting of immovable property of a Collective Investment Schemes ('CIS') is discussed in paragraph 4 of Chief Registrar's Circular No. 21 of 2003. The said circular provides for CIS property to vest in such a manner that the trustee company of the said CIS is identifiable, for instance:

*ABC Limited, registration number yyyy/xxxxxx/06, as trustee for XYZ Collective Investment Scheme in property or*

*GEF (Pty) Ltd/ Limited registration number yyyy/xxxxxx/nn, as nominee company of ABC Limited, trustee for XYZ Collective Investment Scheme in property*

- *(a maximum of 150 characters can be used – a character includes a typographical character and a space)*

- 1.2. The purpose of this circular is to address the procedure that needs to be followed with regard to the endorsing of title deeds/bonds to reflect the appointment of new trustees of CIS's.

#### 2. PROCEDURE TO FOLLOW IN DEEDS REGISTRIES WITH REGARD TO CHANGE OF TRUSTEE OF COLLECTIVE INVESTMENT SCHEMES

- 2.1. When the appointment of a trustee is terminated, such trustee must submit a report to the *Registrar of Collective Investment Schemes* stating, amongst other things, the **reason for the termination** of the appointment (section 68(3) of the Collective Investment Schemes Control Act, 2002 (Act No. 45 of 2002) ('the Act')). In terms of section 69(2)(b) of the Act, a **trustee must be registered** by the *Registrar of Collective Investment Schemes* as a trustee of a CIS.
- 2.2. The following documentation must be lodged in a deeds registry in order to provide for the endorsement of title deeds/bonds to reflect a change of a trustee of a CIS:
- 2.2.1. an application in terms of section 3(1)(v) of Act No. 47 of 1937 for the endorsement of the relevant title deeds/bonds. The said application must contain complete information of the termination / appointment of the trustee;

- 2.2.2. the relevant title deeds/bonds (also see par. 3);
  - 2.2.3. proof of the termination of the appointment of the trustee referred to in the relevant title deeds/bonds; and
  - 2.2.4. proof of the registration of the 'new' trustee in terms of section 69(2)(b) of the Act.
- 2.3. The relevant title deeds / bonds must be endorsed along the following lines:

Endorsement in terms of section 3(1)(v) of the Deeds Registries Act, 1937 (Act No. 47 of 1937):

The appointment of \*..... as trustee of  
 ..... (state name of Collective Investment Scheme) has been  
 terminated with effect from ..... (state date of termination).  
 \*\*..... is appointed as trustee with effect from  
 ..... (state date of appointment).

DATE

REGISTRAR OF DEEDS

\* state name of trustee whose appointment has been terminated

\*\* state name of newly appointed trustee

### 3. ENDORSEMENT OF DEEDS / BONDS ON PIECE MEAL

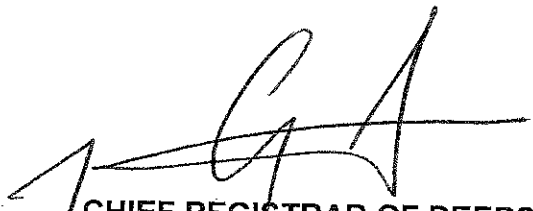
- 3.1. Where it is not practically possible to provide for the simultaneous lodgement of all the relevant title deeds / bonds in a specific deeds registry, a caveat must be noted, against the name of the CIS, to the effect that all the relevant title deeds / bonds must be endorsed, whenever lodged in the deeds registry for whatever purpose, to indicate the change of a trustee.
- 3.2. Conveyancers must be requested to approach the Chief Registrar of Deeds for the issuing of a Chief Registrar's Circular to allow for the endorsement of deeds, on a piece meal basis, in instances where numerous title deeds / bonds registered in most of the deeds registries, need to be endorsed to reflect a change of a trustee of a CIS.

4. OFFICE FEES

An office fee is payable in respect of an endorsement referred to in par. 2.3.

5. APPLICATION OF THE CIRCULAR

This circular must be read in conjunction with CRC's 15 and 21 of 2003.



CHIEF REGISTRAR OF DEEDS  
DATE: 07/03/2012

REFERENCE: A.6/2/P and A.1/3/1/187  
RINGBINDER 44

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