

CHIEF REGISTRAR'S CIRCULAR NO. 9 OF 2014

HOUSING ACT, 1997 (ACT NO.107 OF 1997) AS AMENDED BY THE HOUSING AMENDMENT ACT, 2001 (ACT NO. 4 OF 2001) AND ARRANGEMENT OF THE ASSETS AND LIABILITIES OF THE NATIONAL HOUSING BOARD

1. COMMENCEMENT OF THE ACT

- 1.1. The Housing Act, 1997 (Act No. 107 of 1997) (herein after referred to as 'the Act'), came into operation on 1 April 1998. The Act has been amended by the Housing Amendment Act, 2001 (Act No. 4 of 2001), which Act came into operation on 1 February 2002.
- 1.2. Certain provisions relating to the endorsement of deeds in respect of the passing of immovable property to the various Provincial Housing Development Boards are discussed in CRC 9 of 1998. However, these provisions have been amended by Act No. 4 of 2001 and are explained in this Circular, which replaces Circular 9 of 1998.

2. PURPOSE OF THE ACT

The purpose of the Act, amongst other things, is to provide for the facilitation of a sustainable housing development process, and to provide for matters connected therewith.

3. IMPACT OF ACT ON THE REGISTRATION PROCEDURES

3.1. TRANSFER OF CERTAIN PROPERTY TO PROVINCIAL GOVERNMENT

- 3.1.1. The National Housing Board established by section 2 of the Housing Arrangements Act, 1993 (Act No. 155 of 1993), is abolished and all its immovable property and all the rights, liabilities and obligations in respect of such immovable property, pass to the Provincial Government for the Province in which such property is situated (section 13 read with section 14 (2) (a) of the Act).
- 3.1.2. On application by the Provincial Government, accompanied by the relevant title deed/s, together with a certificate by the head of department to the effect that the immovable property mentioned in the certificate has passed to the Provincial

Government concerned, the Registrar of Deeds must make the necessary endorsements and entries on the title deeds and registers in order to give effect to such transfer (section 14 (2) (b) and 14(2) (c)).

An endorsement on the following lines must be made on the title deed/s concerned:

Endorsement in terms of section 14 (2) (b) of Act No. 107 of 1997

The within mentioned property has in terms of section 14 (2) (a) of Act No. 107 of 1997 passed to the Provincial Government of..... (state relevant province)

Application filed with T.....

Date:

Registrar of Deeds

3.2. TRANSFER OF CERTAIN PROPERTY FROM PROVINCIAL GOVERNMENT TO MUNICIPALITIES

3.2.1. Immovable property and any rights, liabilities and obligations in respect of such immovable property that have passed to a Provincial Government in terms of section 14(2) or 14(4)(c) of the Act, and which has not been sold or alienated for housing development purposes by such Provincial Government, must be transferred to a municipality within whose area of jurisdiction such property is situated. Such transfer must take place not later than a date determined by the Minister of Housing (section 15 (2) (a)).

3.2.2. A transfer referred to in par. 3.2.1 must be made by means of an endorsement (see par. 3.1.2 and sections 15(6) read with sections 14(2) (b) and (c)). The relevant title deed/s must be lodged together with an application by the local authority concerned. The certificate to be lodged, must be signed by the Chief Executive Officer of the municipality concerned (section 15(6)).

An endorsement on the following lines must be made on the title deed/s concerned:

Endorsement in terms of section 15 (6) of Act No.107 of 1997

The within mentioned property is transferred, in terms of section 15 (6) of Act No. 107 of 1997 to the..... (state relevant municipality)

Application filed with T.....

Date:

Registrar of Deeds

4. TRANSFER DUTY, STAMP DUTY AND REGISTRATION FEES

No Transfer Duty, Stamp Duty or Registration Fee is payable in respect of any act of registration done in terms of paragraphs 3.1 and 3.2 (sections 14 (2) (d) and 15 (6)).



CHIEF REGISTRAR OF DEEDS

DATE: 23/6/2014

REFERENCE: A. 6/2/P

RINGBINDER 68

CHIEF REGISTRAR OF DEEDS

REGISTRARS OF DEEDS

DEEDS TRAINING

LAW SOCIETY OF SOUTH AFRICA : PRETORIA

BUTTERWORTHS PUBLICATIONS : DURBAN

PROPERTY LAW COMMITTEE : PRETORIA