



rural development & land reform

Department:
Rural Development & Land Reform

REPUBLIC OF SOUTH AFRICA

OFFICE OF THE REGISTRAR OF DEEDS

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REGISTRAR'S CIRCULAR NO. 11 of 2014

1. Purpose

To provide guidance regarding the implementation to some resolutions taken at the Registrars Conference in 2013.

2. RCR 9 of 2013 Section 15B (3) certificates

This resolution confirms RCR 55/2012 where the question was already dealt with. Examiners must check SS file if Data print-out refers to a Real Right of extension. A Registrar should not on his/her own accord endorse the section 11(3)(b)-schedule of conditions as to the lapsing of the right where it is evident from the records that the real right has lapsed, because it has exhausted itself or the period of time has lapsed.

If the Data print-outs refer to a Real Right of extension the Section 15 B (3) certificate must deal therewith either by stating the real right has lapsed for whatever reason or that the right is still valid and was disclosed in the sale agreement (Section 25(14) Act 95 of 1986). If no real right is mentioned on the Data printout then there was either no real right reserved or the lapsing of the right was already noted. In such a case the section 15 B (3) certificate should disclose that no real right of extension is reserved. It is the Registrars duty to determine that the Section 15B (3) Certificate with regard to the right of extension is correct RCR 8/2009.

3. RCR 13/2013 Erroneously registered EUA

Where the same exclusive use area is wrongly registered in the name of two or more owners by virtue of separate title deeds, such exclusive use area may be cancelled in terms of section 27 (5), then re-delineated on a new plan in terms of Section 27 (2). Body Corporate apply for title by making use of form AH, and do a cession to the rightfully owner, alternatively the Court may be approached in terms of section 6 of the Deeds Registries Act.

4. RCR 19/2013

Certificate of Registered Sectional Title may be issued to separate co-owners on partitioning where there is a partition agreement on subdivision of a Section in terms of Section 22 of Act 95 of 1986. However, in order to eliminate potential problems arising from the adoption of the prescribed form O, it is recommended that firstly a subdivision and thereafter a partition be done and not a division partition.

5. RCR 24/2014 Description of Common Property.

This resolution withdrew RCR 74/2012 which was a clear mistake as form H is not applicable. If the Erf number is mentioned in the description of the underlying land do not ask to remove or to apply in terms of Section 4 (1) (b) to amend title deed.

6. RCR 32/2013

Although no legal objection exists regarding the registration, if one Notarial Deed encompassing the cancellation of an existing servitude and the simultaneous registration of a new servitude over the same property. Pretoria Deeds Registry will insist on two separate transactions for purposes of the transfer Duty Act 40 of 1949.

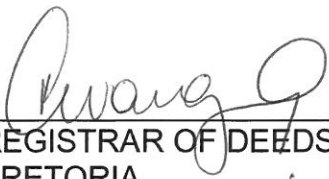
Please note that changing a route description is not two transactions.

7. RCR 37/2013 Cancellation of Power of Attorney

A Power of Attorney that contains a new appointment as well as the revocation of a previously registered Power of Attorney is acceptable for registration.

One should cancel the old Power of Attorney with the number of the new Power of Attorney.

8. Registrars Circular 7/2014 is hereby withdrawn


REGISTRAR OF DEEDS
PRETORIA
Date: 26/8/2014