



rural development & land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

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NOTICE TO EXAMINERS 6/2014

1. Excisions

With an application for the endorsing of a title deed in respect of the excision of an agricultural holding from the agriculture holding register to the farm register, examiners need the following documents for proper examination of the application and endorsing of the title deed:

1.1 The section 6(1) Act 22/1919 cancellation (excision certificate) of the Agricultural Holding certificate issued by the Premier or the Minister of Public works.

Although a recent court case ruled that the Minister of Public Works must issue the certificates, examiners must accept a certificate signed by both the Premier and the Minister until further notice

This cancellation certificate will also refer to any conditions that may be imposed when the excision took place. If lengthy conditions were imposed, a schedule of imposed conditions must be lodged in a white cover and afforded a K S code. Shorter conditions can be referred to below the excision endorsement. Examiners can accept certified copies of such a certificate as it is covered by Regulation 20(7) Act 47/37 and regard any provision for the signature of Registrar of Deeds as pro-non-scripto.

1.2 A notice from the Land Surveyor in which notice the registrar is informed about the new property description.

The property will now form part of the farm land register. The documents referred to in paragraph (a) and (b) above will most of the time be noted as interdicts. In such a case the examiner must not raise a note to the Conveyancer to file these documents on the *Agricultural Holding* file as well, if it was not done by the interdict section.

If the documents referred to in paragraphs (a) and (b) above were either filed in the *Agricultural Holding* file or *lodged with the application to endorse the title deed in respect of the excision*, the examiner must not raise a note that the documents must be noted as interdicts at the interdict section or filed on the *Agricultural Holding* file.

Examiners must however still apply all procedures and prescriptions for excisions as set out on Chapter 16 of the manual.

2. Certificate Of Real Rights Issued Under Section 64 Of Act 47/37 For Rights On Claim Licence Monies In Respect Of Mineral Or Mining Rights.

As with mineral conditions, the abovementioned conditions must not be carried forward to a new deed. Examiners will have to examine the source document which will be filed under a K-----S code if there is uncertainty whether the real right is such a right to claim licence monies in respect of mineral rights.

2.1 Conditions relating to underground Mining Activities.

A condition in title deeds in which the State or Local Authority is exempted from liability due to underground Mining Activities is not Mining Right Conditions and may not be left out of any title on subsequent transfer of the property.

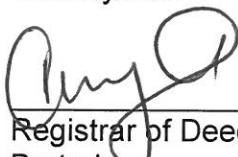
3. Updating Of Office Records (Data-Records And X Writing)

Kindly note that it is the duty of examiners to ensure that the deeds office records are correct (data printouts and X writing on titles) on all deeds allocated to examiners for examination. When a title deed which is lodged with a batch of deeds for examination, lacks X writing of previous transactions, a note that the title deed is unserviceable and regulation 68(1) Act 47/37 must be complied with, would be unacceptable and should not be raised at all.

*The examiners have to endorse the missing endorsements and with the necessary proof have it signed by his/her Assistant Registrar with the necessary proof.

3.1 When an application in terms of regulation 68(1) Act 47/37 is lodged for a certified copy of a title deed of which the office copy is also lost but a previous micro reference of the title deed exists, it would be acceptable to rather update the previous title with the necessary endorsements, if all the information is available and can be verified by the examiner instead of rejecting the deeds with a note to comply with section 38 of Act 47/37.

3.2 Only deeds with office errors (data and X writing) not lodged for any act of registration that requires amendment/rectification must be referred to the Information or Rectification sections. This will be done by the Conveyancers as the deeds will be delivered and in the hands of the Conveyancer.


Registrar of Deeds
Pretoria

Date: 26/11/2014