



rural development  
& land reform

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Rural Development & Land Reform  
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## **REGISTRARS CIRCULAR NO. 7 OF 2015**

### **REGISTRATION REQUIREMENTS FOR VESTING TRANSFERS BY ENDORSEMENT SECTION 16 OF THE DEEDS REGISTRIES ACT, 47 OF 1937**

#### **1. PURPOSE**

The purpose of this circular is to clarify the requirements for applications for transfers of property to the state or to the Local Authority by endorsement in terms of section 16 of the Deeds Registries Act 47/1937 (DRA), with specific attention to the requirement that if the title lodged contain more than one property such application must relate to all the properties held under that title deed.

#### **2. BACKGROUND**

It has come to the attention of the Registrar of Deeds that applications are lodged, for the registration of a transfer by endorsement in terms of Section 16 of (DRA) where only certain properties held under that title deed are being transferred – leaving other properties held under that title.

#### **3. DISCUSSION**

The provisions of Section 16 are clear: see first proviso of Section 16 “.... Provided further that where the State acquires all the held under any title deed,....”

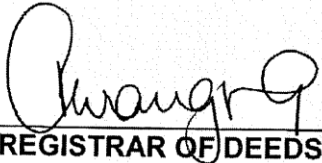
Further take note that this method of transfer by endorsement is only applicable where the Registrar of Deeds is required by law to register the transfer by endorsement.

The ruling where only one property in an item 28(1) certificate which contains, for example, 10 properties is being allowed to be registered must not be confused with the situation where there is more than one property in a title that is being transferred in terms of section 16.

There appear to be numerous such instances where one or more properties in a title deed, which contains a number of properties, are transferred by endorsement in favour of the state or Local Authority – leaving other properties still registered in the name of the former owner.

This presents a major problem, when for example, the State or The Local Authority, as the case may be applies for a VA (Regulation 68(1)) copy of the title which is now registered in the name of two or more persons or entities.

The question that arises is who the holder of the title deed in question is? Where such an act of registration has occurred in error, the solution to the problem lies in the provisions of section 34(1) or (2) of the DRA.



REGISTRAR OF DEEDS  
PRETORIA

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