



rural development & land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

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RC 4/2018

NATURE OF SERVITUDE TO BE REFLECTED ON DIAGRAMS AND GENERAL PLANS

1. PURPOSE:

To provide guidance on how to deal with diagrams pertaining to the registration of servitudes on existing properties and servitude notes on approved general plans.

2. BACKGROUND:

In instances where a diagram is framed and subsequently approved for the purpose of the registration of a servitude or servitude area over a property, it causes various challenges, if the nature of the servitude is not reflected on the diagram. At a meeting held on 5 August 2015 between the Office of the Surveyor General (Gauteng) and the Pretoria Deeds Registry, where it was agreed that the Surveyor General (Gauteng) in future will only approve servitude diagrams if it describes the nature of the servitude to be registered on the diagram itself.

3. EXISTING DIAGRAMS AND GENERAL PLANS:

Diagrams and general plans which was approved by the Office of the Surveyor General before the agreement as referred to in paragraph 2 was reached, will not be updated or amended by the Surveyor General in this regard. Examiners must not raise notes to conveyancer to refer the diagrams or general plans to the Surveyor General to amend the same.

4. NEW DIAGRAMS AND GENERAL PLANS:

When approved servitudes are carried forward onto subsequent diagrams and general plans, the wording appearing on the original document must be retained.

This implies that servitude notes on new diagrams and general plans, referring to servitudes created after the date of agreement mentioned in paragraph 2, will reflect the nature of the servitude.

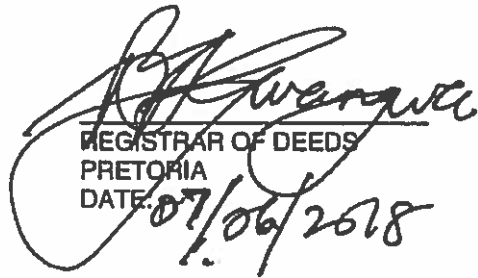
Servitude notes on new diagrams and general plans, referring to servitudes approved prior to the date of agreement mentioned in paragraph 2, which made no reference to

the nature of the servitude, will be carried forward onto the subsequent diagram and/or general plan without any such reference and examiners must not call on conveyancers to refer the diagrams or general plans back to the Surveyor General to amend the same.

This in principle will mean that some servitude notes on diagrams and general plans, although approved after the date of the agreement as in paragraph 2, will not necessarily reflect the nature of the servitude.

5. EFFECTIVE DATE:

This circular will be effective immediately.


REGISTRAR OF DEEDS
PRETORIA
DATE: 07/06/2018