

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 884

14 AUGUST 2020

DEEDS REGISTRIES ACT, 1937 (ACT NO. 47 OF 1937): AMENDMENT OF REGULATIONS

In terms of section 9 (9) of the Deeds Registries Act, 1937 (Act No. 47 of 1937), I, Angela Thokozile Didiza, Minister of Agriculture, Land Reform and Rural Development, hereby approves the regulations contained in the Schedule as made by the Deeds Registries Regulations Board under section 10 of the said Act. The regulations will come into operation two months from the date of publication hereof in the *Gazette*.

**MS ANGELA THOKOZILE DIDIZA****MINISTER: AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

SCHEDULE

Definitions

1. In this Schedule "the Regulations" mean the Regulations promulgated by Government Notice No. R. 474 of 29 March 1963, as amended.

Amendment of regulation 43

2. Regulation 43 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) Every deed of transfer, certificate conferring title to immovable property, deed of cession referred to in section 32 of the Act or mortgage bond shall be prepared by a conveyancer, who shall make and sign a certificate in the undermentioned form in the upper right hand corner on the first page of the document concerned:

Prepared by me

.....

CONVEYANCER

.....

(State full name and surname in block letters)

.....

(Disclose Legal Practice Council Membership Number)”.

Amendment of regulation 44

3. Regulation 44 of the Regulations is hereby amended-
 - (a) by the substitution for subregulation (1) of the following subregulation:

“(1) Subject to the provisions of subregulation (3), any power of attorney, application or consent required for the performance of an act of registration in a Deeds Registry and any agreement of partition referred to in section 26 of the Act executed after the coming into operation of this regulation and tendered for registration or filing of record in a Deeds Registry, shall be prepared by a practicing attorney (not necessarily practicing in the province in which such Deeds Registry is situate), notary or conveyancer, who shall make and sign a certificate in the undermentioned form in the upper right hand corner on the first page of the document concerned:

Prepared by me

.....
ATTORNEY/NOTARY/CONVEYANCER

(Use whichever is applicable)

.....
(State full name and surname in block letters)

.....
(Disclose Legal Practice Council Membership Number)”; and

(b) by the substitution for subregulation (5) of the following subregulation:

“(5) When a certificate referred to in subregulation (1) is signed by an attorney or notary, the fact that the signatory is a practicing attorney or notary shall be confirmed by a practicing conveyancer, who shall countersign the certificate by making and signing the following certificate thereon:

Countersigned by me

.....
CONVEYANCER

.....
(State full name and surname in block letters)

.....
(Disclose Legal Practice Council Membership Number)”.

Amendment of forms

4. The Regulations are hereby amended-

- (a) by the substitution for the certificate in forms D, E, F, G, H, I, J, L, M, N, O, Q, R, V, Z, KK, LL, PP, QQ, RR, SS, YY, EEE, and FFF of the following certificate:

“Prepared by me

.....

CONVEYANCER

.....

(State full name and surname in block letters)

.....

(Disclose Legal Practice Council Membership Number”);

- (b) by the substitution for the footnote to form E of the following footnote:

“† Omit whichever is not applicable;

- The Legal Practice Council Membership Number must be disclosed together with the full name and surname of the conveyancer- appearer in the pre-amble of the Deed of Transfer.”;

- (c) by the insertion of the following footnote to form F:

“• Legal Practice Council Membership Number must be disclosed together with the full name and surname of the conveyancer-appearer in the pre-amble of the Deed of Partition Transfer.”;

- (d) by the substitution for the certificate in Forms T, W, MM, VV, WW and BBB, of the following certificate:

"Prepared by me

.....

ATTORNEY/NOTARY/CONVEYANCER

(Use whichever is applicable.)

.....

(State full name and surname in block letters)

.....

(Disclose Legal Practice Council Membership Number)";

(e) by the insertion of the following footnote to form KK:

"• Legal Practice Council Membership Number must be disclosed together with the full name and surname of the conveyancer-appearer in the pre-amble of the Collateral Mortgage Bond.";

(f) by the insertion of the following footnote to form LL:

"• Legal Practice Council Membership Number must be disclosed together with the full name and surname of the conveyancer-appearer in the pre-amble of the Surety Bond."; and

(g) by the substitution for the certificate in Forms CCC and DDD of the following certificate:

"Prepared by me

.....

* CONVEYANCER / AUTHORISED OFFICER

.....

(State full name and surname in block letters)

.....

(Conveyancer to disclose Legal Practice Council Membership Number)".

Short title

5. These regulations shall be known as the Deeds Registries Amendment Regulations, 2020.

DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

NO. R. 884

14 AUGUSTUS 2020

**REGISTRASIE VAN AKTES WET, 1937 (WET NO. 47 VAN 1937): WYSIGING
VAN REGULASIES**

Kragtens artikel 9(9) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), keur ek, Angela Thokozile Didiza, Minister van Landbou, Grondhervorming en Landelike Ontwikkeling, hiermee die regulasies soos in die Bylae vervat, uitgevaardig deur die Registrasieregulasieraad kragtens artikel 10 van bedoelde Wet, goed. Die regulasies tree in werking twee maande vanaf die datum van publikasie hiervan in die *Staatskoerant*.

**ME ANGELA THOKOZILE DIDIZA****MINISTER: LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING**

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken “die Regulasies” die regulasies uitgevaardig by Goewermentskennisgewing No. R. 474 van 29 Maart 1963, soos gewysig.

Wysiging van regulasie 43

2. Regulasie 43 van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

“(1) Elke transportakte, sertifikaat waarby ’n reg op onroerende goed verleen word, akte van sessie soos bedoel in artikel 32 van die Wet of verbandakte moet opgestel word deur ’n transportbesorger, wat ’n sertifikaat in onderstaande vorm in die boonste regterkantse hoek op die eerste bladsy van die betrokke dokument moet aanbring en onderteken:

Opgestel deur my

.....

TRANSPORTBESORGER

.....

(Vermeld volle naam en van in blokletters)

.....

(Vermeld Lidmaatskap Nommer van Regspraktykraad)”.

Wysiging van regulasie 44

3. Regulasie 44 van die Regulasies word hierby gewysig-
 - (a) deur subregulasie (1) deur die volgende subregulasie te vervang:

“(1) Behoudens die bepalings van subregulasie (3) moet enige prokurasie, aansoek of toestemming wat benodig word vir die verrigting van 'n registrasie-handeling in 'n Registrasiekantoor en enige verdelingsooreenkoms in artikel 26 van die Wet bedoel wat na die inwerkingtreding van hierdie regulasie verly is en vir registrasie of liassing op rekord in 'n Registrasiekantoor aangebied word, opgestel word deur 'n praktiserende prokureur (wat nie noodwendig in die provinsie waarin sodanige Registrasiekantoor geleë is, hoef te praktiseer nie), notaris of transportbesorger, wat 'n sertifikaat in onderstaande vorm in die boonste regterkantse hoek op die eerste bladsy van die betrokke dokument moet aanbring en onderteken:

Opgestel deur my

.....
 PROKUREUR/NOTARIS/TRANSPORTBESORGER

(Gebruik wat ook al van toepassing is)

.....
 (Vermeld volle naam en van in blokletters)

.....
 (Vermeld Lidmaatskap Nommer van Regspraktykraad)”; en

(b) deur subregulasie (5) deur die volgende subregulasie te vervang:

“(5) Wanneer 'n sertifikaat bedoel in subregulasie (1) deur 'n prokureur of notaris onderteken word, moet die feit dat die ondertekenaar 'n praktiserende prokureur of notaris is, bevestig word deur 'n praktiserende transportbesorger, wat die sertifikaat moet mede-onderteken deur die volgende sertifikaat daarop aan te bring en te onderteken:

Mede-onderteken deur my

.....
 TRANSPORTBESORGER

.....
 (Vermeld volle naam en van in blokletters)

.....
 (Vermeld Lidmaatskap Nommer van Regspraktykraad)".

Wysiging van Vorms

4. Die Regulasies word hierby gewysig-

(a) deur die sertifikaat in vorms D, E, F, G, H, I, J, L, M, N, O, Q, R, V, Z, KK, LL, PP, QQ, RR, SS, YY, EEE en FFF deur die volgende sertifikaat te vervang:

"Opgestel deur my

.....
 TRANSPORTBESORGER

.....
 (Vermeld volle naam en van in blokletters)

.....
 (Vermeld Lidmaatskap Nommer van Regspraktykraad)";

(b) deur die voetnota in vorm E deur die volgende voetnota te vervang:

"† Laat weg wat nie van toepassing is nie.

- Die Lidmaatskap Nommer van die Regspraktykraad moet tesame met die volle naam en van van die transportbesorger-komparant in die aanhef van die Transportakte verskyn.";

(c) deur die volgende voetnota in vorm F by te voeg :

- Die Lidmaatskap Nommer van die Regspraktykraad moet tesame met die volle naam en van van die transportbesorger-komparant in die aanhef van die Akte van Verdelingstransport verskyn.";

- (d) deur die sertifikaat in Vorms T, W, MM, VV, WW en BBB, deur die volgende sertifikaat te vervang:

“Opgestel deur my

.....
 PROKUREUR / NOTARIS / TRANSPORTBESORGER

.....
 (Vermeld volle naam en van in blokletters)

.....
 (Vermeld Lidmaatskap Nommer van Regspraktykraad)”;

- (e) deur die volgende voetnota in vorm KK by te voeg:

“• Die Lidmaatskap Nommer van die Regspraktykraad moet tesame met die volle naam en van van die transportbesorger-komparant in die aanhef van die Meegaande Verbandakte verskyn.”;

- (f) deur die volgende voetnota in vorm LL by te voeg:

“• Die Lidmaatskap Nommer van die Regspraktykraad moet tesame met die volle naam en van van die transportbesorger-komparant in die aanhef van die Borgverband verskyn.”; en

- (g) deur die sertifikaat in vorms CCC en DDD deur die volgende sertifikaat te vervang:

“Opgestel deur my

.....
 * TRANSPORTBESORGER / GEMAGTIGDE BEAMPTTE

.....
 (Vermeld volle naam en van in blokletters)

.....
(Vermelding van Lidmaatskap Nommer van Regspraktykraad deur
Transportbesorger)".

Kort titel

5. Hierdie regulasies heet die Aktesregistrasie Wysigingsregulasies, 2020.