

CHIEF REGISTRAR'S CIRCULAR NO. 1 OF 2006

CROSS-BOUNDARY MUNICIPALITIES LAWS REPEAL AND RELATED MATTERS ACT NO. 23 OF 2005

1. COMMENCEMENT OF THE ACT

The Cross-Boundary Municipalities Laws Repeal and Related Matters Act, 2005 (Act No. 23 of 2005), herein after referred to as the Act, shall come into operation on a date to be fixed by the President by proclamation in the *Gazette*. However, sections 2(3), 4(d) and 5 of the Act must be regarded as having come into operation on 23 December 2005 (section 6(2) of the Act).

2. PURPOSE OF THE ACT

The purpose of the Act, amongst other things, is to provide for consequential matters as a result of the re-alignment of former cross-boundary municipalities and the re-determination of the geographical areas of provinces.

3. IMPACT OF CERTAIN PROVISIONS OF THE ACT ON DEEDS REGISTRIES AND REGISTRATION PROCEDURES

3.1. TRANSITIONAL ARRANGEMENTS REGARDING THE TRANSFER OF ASSETS AND LIABILITIES

3.1.1. Where a particular area is relocated from one province (the releasing province) to another province (the receiving province) at the commencement of section 2 to 4 of the Constitution Twelfth Amendment Act, 2005, any asset, right or liability associated or connected with the exercise of such function or the delivery of such service vests in the provincial government of the receiving province (section 5(1)(b) of the Act).

3.1.2. In terms of section 5(5)(a) of the Act a Registrar of Deeds must, upon the lodgement of a certificate signed by both the premier of the releasing province and the premier of the receiving province, effect such entries and endorsements in or on any relevant register, title deed or other document as are necessary in order to reflect the vesting of immovable property in the name of the provincial government of the receiving province.

3.2. ENDORSEMENT OF TITLE DEEDS

3.2.1. Although section 5(5) of the Act is silent on the lodgement of an application and the relevant title deed/s, the vesting of assets, rights and liabilities referred to in section 5(1) must be given effect to only when an application and the relevant title deed/s are lodged. They must be accompanied by a certificate, signed by both the premier of the releasing province and the premier of the receiving province, to the effect that the provisions of any law in connection with the change of ownership in the land in consequence of the vesting have been complied with.

3.2.2. The relevant title deed/s must be endorsed along the following lines:

Endorsement in terms of section 5(5)(a) of Act No. 23 of 2005

The within-mentioned *asset/right/liability vests, in terms of section 5(1)(a) of Act No. 23 of 2005, in the **

Application filed with T/K/BC*

DATE

REGISTRAR OF DEEDS

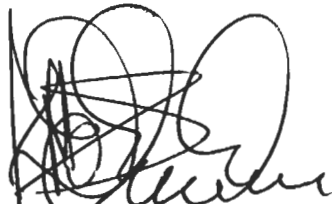
* Omit whichever is inapplicable

** Here insert the name of the Provincial Government of the Receiving Province

3.2.3. Examiners should take note that no act of registration shall be permissible unless and until the relevant title deed/s is/are endorsed regarding the vesting referred to in paragraph 3.2.1. supra.

4. TRANSFER DUTY, STAMP DUTY AND OFFICE FEES

No transfer duty, stamp duty or office fees shall be payable in respect of any Act of registration referred to in paragraph 3 above (section 5(5)(b) of the Act).



CHIEF REGISTRAR OF DEEDS
DATE: 07 FEBRUARY 2006

REFERENCE: A 6/2/P AND A.1/3/1/202

CHIEF REGISTRAR OF DEEDS
REGISTRARS OF DEEDS
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DIRECTOR: LAW SOCIETY OF SOUTH AFRICA : PRETORIA
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