



DEPARTMENT: LAND AFFAIRS
REPUBLIC OF SOUTH AFRICA

Office of the Chief Registrar of Deeds, Private Bag X918, PRETORIA, 0001 - Tel (012) 338-7000, Fax (012) 328-3347

MEMORANDUM

CHIEF REGISTRAR'S CIRCULAR NO. 10 OF 2007

REFERENCE: A. 6/2/P and A1/3/1/209

THE REGISTRAR OF DEEDS

1. The above-mentioned circular, refers
2. Please be advised that it has been brought to my attention that paragraph 4 of this circular has allegedly caused uncertainty/confusion among the examiners and conveyancers. This state of affairs, therefore, warrants that the matter be clarified.
3. The circular was issued on the understanding that issues relating to ratification are common knowledge in the deeds registries and that the relevant principles would find application where applicable. In this regard Registrars' Conference resolution 23 of 1994 is instructive. The said resolution is quoted below, for ease of reference.

RCR/RKB 23/1994

Minderjarige

Indien 'n minderjarige onroerende goed vervreem het sonder die toestemming van die Meester of 'n bevel van die hof, en sodanige handeling word geratifiseer na mondigwording, moet 'n registrateur aandrang op 'n skriftelike ratifisering of kan die ondertekening van die volmag na mondigwording aanvaar word as ratifikasie?

B: Die ondertekening van die volmag na mondigwording sal voldoende bewys wees dat sodanige transaksie geratifiseer is.

The circular was, and is still, intended facilitate the registration of transactions based on contracts that were already entered into when the law changed. In other words it is intended to curtail an argument that would question the authority of a guardian to effect registration of a transaction, that complied with the law at the time of its conclusion, simply because the erstwhile minor has, by virtue of the coming into operation of the Children's Act, suddenly become a major. All what paragraph 4 states is the fact that a transaction that was entered into by a guardian must still be accompanied by the necessary authorization.

4. In conclusion, it is confirmed that the circular was never intended to exclude the well established principle of ratification and that transactions by guardians that were lawfully sanctioned should be proceeded with without raising an objection that the erstwhile minor has attained majority and therefore the guardian does no longer have the authority to proceed with the relevant transaction.
5. Any, and all, unintended consequences of the circular are sincerely regretted.
6. I trust that the above explanation would dispel any uncertainty/confusion in relation to the application of the circular.



CHIEF REGISTRAR OF DEEDS

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