

CHIEF REGISTRAR'S CIRCULAR NO. 2 OF 2009

MECHANISATION: DATA CAPTURING AND SCANNING OF REGISTERED DEEDS AND DOCUMENTS

1. APPLICATION OF THIS CIRCULAR

Certain procedures set out in Chief Registrar's Circular No. 3 of 1983 are no longer in use in the deeds registries. This Circular sets out the current status with regards to the coding and numbering procedures in deeds registries. CRC 3 of 1983 is hereby withdrawn and substituted with this Circular.

2. PROCEDURES TO BE FOLLOWED IN DEEDS REGISTRIES

- 2.1. The following is a consolidation of the procedures applicable in deeds registries:
- 2.2. Only black ink of good quality may be used for drafting and signing of deeds and documents.
- 2.3. Only black ink of good quality may be used to apply endorsements made by the deeds registry in writing or by the use of rubber stamps.
- 2.4. The discretion of the registrar of deeds as contained in regulation 20 (8) of the Deeds Registries Act No. 47 of 1937 must only be exercised in respect of documents the drafting and signing of which cannot be controlled by the conveyancer.
- 2.5. Regulation 23 also provides that the writing, typing or printing in deeds and documents must be neat and plain; writing, typing or printing which is illegible, faint or indistinct cannot be accepted because problems arise with the scanning of such deeds and documents.
- 2.6. Amendments and interlineations with consequential initialing, for example, the names of parties, descriptions of land, extents and money amounts, will no longer be accepted in the important parts of a deed. The important parts of a deed are typically the names and particulars of the transferor in the preamble of the deed; the causa which have a direct bearing on the transaction of the deed; the names and particulars of the transferee; the property description; the property and holding title particulars; and important numerical data in conditions.
- 2.7. All endorsements must be made horizontally in the same way as the script of the deed and not diagonally on the folio. When a "Cancellation" endorsement is applied to the first page of a document which must be cancelled, the endorsement must be

placed in such a way as to leave the portion intended to contain the signature of the Registrar vacant.

3. CODES AND SERIAL NUMBERS

- 3.1. Subsequent to the registration /execution of a deed or other document with its supporting documents, no further supporting documents may be filed therewith.
- 3.2. When the consent of the holder of a registered real right is required for the execution or registration of a new deed, and provided that such consent cannot be classified under one of the hereinafter mentioned groups, such consent must be filed as a supporting document with such new deed.

For example:

The consent by the mortgagee for the registration of a deed or transaction is filed with such deed and not with the existing bond. Such consents are referred to in sections 40 (3), 42 (4), 43 (1), 44 (1), 46 (2), 65 (3), 75 (2)*bis*, 76 (1), and 93 (1) of Act 47/1937.

The substitutions in terms of sections 24*bis*(2), 25, 27, 40(5)(a), 45 (2), 45*bis* (2) and 57 (1) are, however, registered under the relevant code and serial number.

- 3.3. Any endorsement on a deed must indicate the code and serial number where the supporting documents (if any) are filed.
- 3.4. When a bond or other endorsement on a title is cancelled, the cancellation endorsement on such title deed must also indicate the code and serial number where the supporting documents are filed.

For example:

When a bond is cancelled, the code and serial number BC . . . /20. . . must be inserted in the endorsement on the bond as well as in the cancellation endorsement on the title deed. The code and serial number BC . . . /20. . . must also be inserted in amendment and miscellaneous endorsements made on the title.

Other codes and serial number in the above-mentioned regard (code before the serial number)

- SBC Sectional Bond
- BCG Proclamation 293/1962 and Proclamation 16/1992 Bonds
- BCL Leasehold Bonds

4. DIFFERENT CODES AND SERIAL NUMBERS

4.1. LAND TITLES - CODE BEFORE THE SERIAL NUMBER

- T Grants
- T Transfer Deeds
- T Certificates of Title
- T All other titles to land
- T Transfer of land by endorsement
- TL Certificates of leasehold title, all leasehold transfers, transfers by endorsement, and other leasehold titles
- TG Deeds of Grant in terms of Proclamation 293/1962 and Proclamation 16/1992
- ST Certificates of Sectional title and all sectional title transfers

NB: Transfer of land by endorsement is applicable in all cases where the ownership in land vests in terms of the provisions of a law or by order of Court or is conveyed from one person to another in any manner except by way of formal transfer.

Example:

- (a) Sections 16, 24bis, 25 (3), 31 (7), 32 (5A), 45, 45bis, and 45bis(1A) of Act 47/1937.
- (b) Section 40 of the Administration of Estates Act No 66/1965 (transfer only).

All supporting documents relating to the transfer of ownership of land by endorsement must be bound together and for all purposes treated as if it was a formal transfer and filed under code T.

The Transfer endorsement on the existing title must disclose that the supporting documents are filed under the code T.

4.2. BONDS - CODE BEFORE THE SERIAL NUMBER

- B Bonds
- BN *(and registry where registered)* Notarial Bonds
- BL All bonds and charges over leasehold properties.
- BG Bonds in terms of Proclamation 293/1962 and Proclamation 16/1992
- SB Sectional title bonds

4.7. RECORDAL / CANCELLATION OF CONTRACT IN TERMS OF ALIENATION OF LAND ACT 68 OF 1981: CODE BEFORE SERIAL NUMBER

- B Application for recordal of contract AL
- BC Application for cancellation of contract AL

4.8. GENERAL POWERS OF ATTORNEY: CODE BEFORE THE SERIAL NUMBER

- PA General Powers of Attorney

4.9. LOST TITLES: CODE BEFORE THE SERIAL NUMBER

- VA Lost or destroyed deeds – copies (regulation 68).

4.10. DEALINGS WITH BONDS, AMENDMENTS AND MISCELLANEOUS: CODE BC (OR BCL FOR LEASEHOLD, SBC FOR SECTIONAL TITLE AND BCG FOR PROC. R293/1962 PROPERTIES) BEFORE THE SERIAL NUMBER

This group is used for all documents in connection with registrations for which no provision is made in the other groups and includes:

(a) Dealings with bonds

Waiver of preference

Cancellations

Releases

Cessions

Substitutions

Part Payments

Reductions of Cover

Section 3 (1) (s) variations of terms

Substitutions in terms of section 45 and 57

Endorsements in terms of section 40 of the Administration of Estates Act No 66/1965

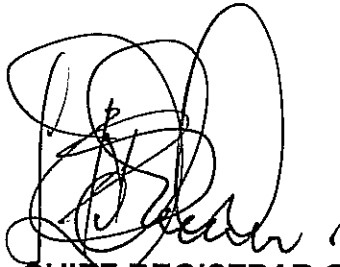
(b) *Amendments*: Sections 4 (1) (b), 17 (4) and 93 of Act 47/1937, Companies Act No 61/1973, Close Corporations Act No. 69/1984, Order of Court or any other law.

(c) *Miscellaneous Endorsements* – Establishment of Townships on existing title, sections 68, 76 (1) and 93 of Act 47/1937, Removal of Restrictions Acts 84/1967 and 94/1965, section 8 of Act 21/1940, section 2A of State Land Disposal Act 48/1961, section 34 of Act 102/1972, and section 28 of Act 101/1969.

5. GENERAL

- 5.1. When an interdict affects a specific property, then—
 - (a) The description of the property and the registered owner will be correlated;
 - (b) It will be recorded against the property on the computer.
- 5.2. If an interdict affects a person only and not also a specific property, it will be recorded only against the name of such person on the computer.
- 5.3. The code concerned will be recorded on interdicts which will be numbered and bound in one series.
- 5.4. Any amendment in terms of section 4 (1) (b) Act 47/1937 on a deed or document must not be recorded in the deed or document but the nature of the amendment must be set out in or on top of the endorsement.
- 5.5. When a further bond is passed which ranks *pari passu* with an existing bond, the new bond endorsement and the existing bond endorsement on the title of the property mortgaged must be qualified by adding the words "This bond ranks *pari passu with B...*". Where a waiver of preference occurs in favour of an existing bond, the existing bond endorsement on the title of the property mortgaged must be qualified by " This bond ranks prior to B....".
- 5.6. Make sure that all endorsements are neat and clear and made with black ink and that the rubber stamps are clean and so used that the impressions are clearly legible. Endorsements must be completed in block letters.
- 5.7. Incorrect endorsements must be avoided. If made, such incorrect endorsements must be clearly ruled through, initialled and dated. If possible, the correct endorsement must be made on the same page. If the correct endorsement cannot be made on the same page, the incorrect endorsement must clearly indicate on which page the correction will be found.
- 5.8. Drafts of endorsements, which are not of a routine nature, must be submitted to the chief deeds controller/senior examiner for approval before the deed is endorsed.
- 5.9. Examiners notes must be made on a separate sheet of paper clearly marked "EXAMINER'S NOTES".
- 5.10. All examiner's notes must be clearly and legibly written and if the handwriting of an examiner is difficult to read, notes must be written in block letters or typed.

- 5.11 Examiners notes must be numbered consecutively and if more than one page is required for notes the bottom of the first note sheet should clearly indicate that notes are continued on a separate note sheet and what the number of that document is in that series.
- 5.12 Once a note has been complied with it must be clearly removed by drawing a horizontal line through it and at the bottom of such line the signature, name in print, name endorsement and date of the person removing the note must be added.
- 5.13 Sufficient spaces between notes should be allowed to allow the conveyancer to add a reply or for the note to be augmented by the Chief Deeds Controller.



CHIEF REGISTRAR OF DEEDS
DATE: 06 JANUARY 2009

REFERENCE: A 6/2/P
RINGBINDER 54

CHIEF REGISTRAR OF DEEDS
REGISTRARS OF DEEDS
THE CHIEF: JUSTICE TRAINING
DIRECTOR: LAW SOCIETY OF SOUTH AFRICA: PRETORIA
MANAGER: BUTTERWORTHS PUBLICATIONS: DURBAN
CHAIRPERSON: PROPERTY