

CHIEF REGISTRAR'S CIRCULAR NO. 1 OF 2009

APPLICATION OF SECTIONS 45, 45bis, 45bis(1A) OF THE DEEDS REGISTRIES ACT, 1937 (ACT NO. 47 OF 1937) ON EXCLUSIVE USE AREAS AND REAL RIGHTS OF EXTENSION

1. No uniformity exists in deeds registries with regard to the application of sections 45, 45bis, and 45(1A) of the Deeds Registries Act, 1937 (Act No. 47 of 1937). Certain deeds registries allow the provisions of the above-mentioned sections to be invoked with regard to cessions of exclusive use areas and cessions of real rights of extension in sectional titles schemes, and other deeds registries don't.
2. The above discrepancy was discussed at a deeds registries regulation board meeting and it was resolved that relevant legislation must be amended to provide for the application of sections 45, 45bis, and 45(1A) of Act No. 47 of 1937, on cessions of exclusive use areas and cessions of real rights of extension.
3. Pending the amendment of legislation, and to ensure uniformity, Registrars of Deeds are implored to invoke the provisions of sections 45, 45bis, and 45(1A) with regard to transactions relating to exclusive use areas and real rights of extension.



CHIEF REGISTRAR OF DEEDS

DATE: 06 JANUARY 2009

REFERENCE: A. 6/2/P
RINGBINDER 68

CHIEF REGISTRAR OF DEEDS
REGISTRARS OF DEEDS

THE CHIEF: JUSTICE TRAINING

DIRECTOR: LAW SOCIETY OF SOUTH AFRICA : PRETORIA

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