

CHIEF REGISTRAR'S CIRCULAR NO. 4 OF 2010

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

1. COMMENCEMENT OF AMENDED REGULATIONS

The amended regulations, published under Government Notice No. R.292 in Government Gazette No. 33111 dated 16 April 2010, shall be effective from 17 May 2010.

2. NATURE AND/OR IMPACT OF THE AMENDMENTS

2.1. Amendment of regulation 16:

Regulations 16 has been amended to provide for the keeping of a register of persons, other than conveyancers, who are authorized by any law to prepare a deed or other document for registration or filing in a deeds registry.

2.2. Amendment of regulation 18:

Regulation 18 (1)(a)(iii) has been amended to provide for the identity number and date of birth of a natural person to be reflected in a deed or document, in instances where such person's date of birth is incorrectly reflected in his/her identity number.

2.3. Amendment of regulation 29:

Regulation 29 has been amended to not only provide for the extent of land, but also for the extent of real rights in land or rights registered in terms of the Sectional Titles Act No. 95 of 1986, to be expressed in deeds and documents.

2.4. Amendment of regulation 34:

Regulation 34(3)(d) has been amended to refer to the Administration of Estates Act No. 66 of 1965, instead of the repealed Act No. 24 of 1913.

2.5. Amendment of regulation 35:

Regulation 35(2) previously provided for conditions to be inserted into title deeds in the official languages that existed prior to the 1994 dispensation, that being Afrikaans and English. The amended regulation 35(2) provides for the insertion of conditions into title deeds in any of the eleven official languages in which the conditions have been constituted.

2.6. Amendment of Regulation 47:

The amendment of regulation 47 is consequential to the amendment of section 57(3) of Act No. 47 of 1937 by the Deeds Registries Amendment Act, No. 24 of 1989. The amendment has the effect that a part payment needs only be registered when a mortgage bond is ceded for the balance due. It is therefore no longer peremptory to do a part payment or cover reduced when registering a substitution of debtor, in terms of section 45 or 57 of Act. No. 47 of 1937.

2.7. Deletion of Regulation 48:

Regulation 48 has been deleted due to the drafting of collateral and surety bonds in accordance with the prescribed forms provided for in the schedule of forms annexed to the regulations.

2.8. Amendment of Regulation 49:

Proof of the balance for distribution is not always a requirement. Where an estate is administered in terms of section 18(3) of Act No. 66 of 1965, it is not necessary for a Liquidation and Distribution account to be lodged. Regulation 49(1)(g) has been amended to provide for the lodgement of proof, only when required.

2.9. Amendment of Regulation 50:

The amended regulation 50(1) clarifies the fact that a liquidation and distribution account does not have to be accepted by the Master.

2.10. Amendment of Regulation 61:

The amendment of regulation 61(2) allows for the unilateral cession of any personal servitude, provided no burden is placed on the cessionary. Prior to the amendment the only unilateral cession permitted was the cession of a usufruct, *usus* or *habitatio* to the bare dominium owner, as provided for in section 66.

2.10. Amendment of Regulation 68:

The insertion of regulation 68(11A) provides for the cancellation of a mortgage bond or notarial bond in instances where such mortgage bond or notarial bond, as the case may be, and the deeds registry duplicate of such bond have been lost or destroyed.

2.11. Amendment of regulation 73:

The insertion of regulation 73(2A) makes it clear that a sketch or plan *in lieu* of a diagram is unacceptable.

2.12. Amendment of regulation 74:

The amendment of regulation 74 is consequential to the repeal of the Land Settlement Act, 1956.

2.13. Amendment of Form D

The amended Form D provides for vesting in the name of the National Government of the Republic of South Africa or relevant Provincial Government.

2.14. Amendment of Form W

The amendment of Form W is consequential to the amendment of section 57(3) by the Deeds Registries Amendment Act, No. 24 of 1989.

2.15. Other amendments:

The deletion of regulations 38, 39(4), 72, 75, Form AA, Form BB, Form CC, Form DD, Form EE, Form FF, Form GG, Form HH, Form II, Form JJ, Form NN, Form OO and Form OO(1), as well as the amendment of regulations 50(2), 52(1), 61(2), 65, 73, Form PP, Form QQ, Form RR, Form EEE and Form FFF, are consequential to the promulgation of the Mineral and Petroleum Resources Development Act, No. 28 of 2002, which Act provides for the discontinuation of the registration of mineral rights in a deeds registry.

3. IMPLEMENTATION OF AMENDED REGULATIONS

The amended regulations must be applied only to deeds lodged after the date of commencement thereof (17 May 2010).



**CHIEF REGISTRAR OF DEEDS
DATE: 30 APRIL 2010**

REFERENCE: A.6/2/P AND A.4/2/2/1
RINGBINDER: 54

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