

75. CHIEF REGISTRAR'S CIRCULAR NO 5 OF 2005

ARREAR DEBTS: DEEDS REGISTRATION TRADING ACCOUNT DETERMINATION OF TIME PERIOD AFTER WHICH OUTSTANDING DEBTS WILL BE IN ARREARS - REGULATIONS 4A AND 45(8) OF THE DEEDS REGISTRIES ACT, 1937 (ACT 47 OF 1937).

1. In accordance with the discretion afforded the Chief Registrar of Deeds in the definition of the expression "in arrears", contained in regulation 4A of the Deeds Registries Act, 1937 (Act 47 of 1937) (hereinafter referred to as "the Act"), the period, referred to in the aforementioned definition, and after which outstanding debts due to the Deeds Registration Trading Account shall, for the purpose of regulation 45(8) of the Act, be deemed to be in arrears, is hereby determined to be 30 days from date of statement. (Paragraph 7 of Chief Registrar's Circular No. 7/2000 refers.)
2. The above amendment will affect the application of Chief Registrar's Circulars 7/2000 and 8/2000 (last-mentioned not issued to conveyancers). Registrars of Deeds must ensure that the processes and procedures to be followed in terms of these circulars are suitably adapted. The wording of Annexures A and B to Chief Registrar's Circular No. 8/2000, in particular, must be aligned.
3. Annexure A to Chief Registrar's Circular No. 8/2000 is amended as follows:-
 - 3.1 The following paragraph is substituted for Paragraph 3.1:-

"If the correctness of any specific transaction(s) included in the arrears has been disputed as provided for in regulation 4A of the Act, such disputed items shall, for the duration of the dispute, not be deemed to be arrears";
 - 3.2 Paragraph 3.2 is deleted;
 - 3.3 Sub-paragraphs 3.3 and 3.4 are renumbered as 3.2 and 3.3 respectively.
4. The amendment in paragraph 1 hereof to the period within which outstanding debts are deemed to be in arrears will apply only to so-called "DRS Accounts" and debts flowing from the registration of deeds and documents as well as the physical provision of information and copies at Deeds Registries. The corresponding period in respect of information and copies provided by electronic means, either in bulk format or by means of the DeedsWeb and Document Copy Systems, shall remain 60 days from date of statement.
5. This directive shall be effective from 1 May 2005.

CHIEF REGISTRAR OF DEEDS