

## CHIEF REGISTRAR'S CIRCULAR NO. 4 OF 2013

### 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.195 in Government Gazette No. 36240 dated 14 March 2013, shall be effective from **15 April 2013**.

#### 2. NATURE AND/OR IMPACT OF THE AMENDMENTS

##### 2.1 Amendment to regulation 29

Regulation 29 has been amended to provide for the extent of immovable property to be expressed in words and figures in deeds and bonds. The extent of immovable property does not need to be expressed in words, as well as figures, in supporting documents.

##### 2.2 Regulations 43 and 44

Regulations 43(1), as well as regulations 44(1) and 44(5), have been amended to provide for the **full names and surname** of the attorney, conveyancer, or notary to appear in the certificate. This amendment aims to remove uncertainty in instances where certificates are signed by attorneys, conveyancers, or notaries who have the same initials and surname.

##### 2.3 Regulation 44A

2.3.1. Regulation 44A(d)(ii)(aa) has been amended to remove the responsibility of the registrar of deeds to check general powers of attorney.

2.3.2. Regulation 44A(d)(ii)(bb) has been amended to provide for the person signing preparation clauses to take responsibility for the correctness of certain facts in respect of transactions entered into in accordance with the constitution, regulations, etc. of companies created by foreign statute.

#### **2.4. Regulation 61**

The amendment of regulation 61(2) by Government GNR 292 of 2010 was an oversight. The only personal servitudes that can be ceded unilaterally are the personal servitudes referred to in section 66 ceded back to the owner of the land encumbered thereby.

#### **2.5. Regulation 68**

Regulation 68(11A) has been deleted and regulations 68(11B) and 68(11C) have been inserted to bring the regulations in line with the deeds registry practice of advertising notices (in the Government Gazette) of the intention to apply for the cancellation of bonds which have been lost or destroyed, and of which the registry duplicates have also been lost or destroyed.

#### **2.6. Regulation 73**

The provisions of regulation 73(3) are duplicated in regulation 73(2A). Regulation 73(2A) has therefore been deleted.

#### **2.7. Forms D, E, F, G, H, I, J, L, M, N, O, Q, R, T,V, W, Z, KK, LL, MM, PP, QQ, RR, SS, VV, WW, YY, BBB, CCC, DDD, EEE, and FFF**

The amendment of the above-mentioned forms is consequential to the amendment of regulations 43 and 44 that provide for the full names and surname of the conveyancer, attorney or notary to appear in the certificate.

#### **2.8. Form SS**

Form SS has been amended to provide for the issuing of a certificate of registered title in instances where a sectional plan has been cancelled by an order of the Court, and land has reverted back to the land register.

#### **2.9. Form III**

The insertion of Form III is consequential to the insertion of regulations 68(11B) and 68(11C).

**3. IMPLEMENTATION OF AMENDED REGULATIONS**

The amended regulations must be applied only to deeds lodged after the date of commencement thereof (**15 April 2013**).



**CHIEF REGISTRAR OF DEEDS**

**DATE: 18/03/2013**

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

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