



rural development
& land reform

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Rural Development & Land Reform
REPUBLIC OF SOUTH AFRICA
OFFICE OF THE REGISTRAR OF DEEDS
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Registrar's Circular 3 of 2014

Deeds Registries Act 1937 (Act 47 of 1937) as amended by the Deeds Registries Amendment Act, 2013 (Act No 34 of 2013)

1. Commencement of the Act

The Deeds Registries Amendment Act 2013 (Act 34 of 2013) ("The amendment Act") was published in Government Gazette No 37173 and came in operation on 18 December 2013.

2. Purpose of the Amendment Act

The main purpose of the Amendment Act is to amend the deeds Registries Act (Act 47 of 1937) ("the Act") in order to enhance the application of the Act and to address current shortfalls.

3. Amendment of the Act

The following is a brief explanation of the amendment of the Act.

3.1 Amendment of section 4(1)(b) subparagraph (iii) to provide the Registrar with a discretion if an error is common to two or more deeds or documents, the error shall be rectified in all those deeds or documents unless the Registrar, on good cause shown, directs otherwise.

3.2 Amendment of Section 38 (5)

Section 38 previously only provided for the issue of a certificate of registered title to take the place of lost or destroyed deed but now also provide for the issue of a certificate of registered title in place of **an incomplete or unserviceable deed.**

3.3 Amendment of section 44(1)

Section 44 is amended to provide for the new land Survey Act of 1997.

3.4 Amendment of the heading to Section 48

Only the heading to Section 48 was amended to refer to correct name of the Johannesburg Deeds Office. Section 48 itself was not amended.

3.5 Amendment of section 56 (1)(b)

The purpose of the amendment is to also provide for transfer of property by a liquidator of a company or close corporation which was voluntarily placed under liquidation under the supervision of the Master of the High Court. Provided a certificate by the Liquidator is furnished that a liquidated company or close corporation under the supervision of the Master of the High Court is unable to pay its debts, the property of the aforesaid liquidated company or close corporation may, as is the case in respect of companies liquidated under supervision of the High Court, now also be transferred without disposal of the mortgage bonds over the properties concerned.


Amendment of Section 93 (1)(a)(b) and (a)

- a) Since the change of name of a company or close corporation is now also done in terms of this section subparagraph (a) is now amended that any person that is affected should consent except in the case of a company or close corporation.
- b) All the deeds affected by the change of name should accompany the application except in the case of a company or close corporation.
- c) Subparagraph (i) is amended by the substitution of the words woman and husband for a person and spouse.

Subparagraph (ii) is inserted and reads as follows: - "a person, who, whether in a civil union, married or divorced, or a widow, adds to the surname, which he or she assumed after the union or marriage, any surname which, he or she bore at any prior time", is not obliged to affect the change just to deal with the deed concerned.

4 Amendment of Section 102

- a) The definition of "deeds registry" is amended by the omission of the reference to the mining title office".


REGISTRAR OF DEEDS
PRETORIA
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