



rural development & land reform

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Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

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REGISTRAR CIRCULAR 12/2014

NOTES AND GUIDELINES IN RESPECT OF THE REJECTION OF DEEDS AND DOCUMENTS

RC 8/2003 and RC 7A/2007 are herewith withdrawn

The answer to the question as to when a deed or document lodged for registration at a deeds registry must be rejected for relodgement is not an easy one. However, it is submitted that there should be some hard and fast rules laid down, in order for the profession and the deeds registries to be on the same page.

Section 3(1)(b) of the Deeds Registries Act 47 of 1937 (the *Act*) provides in this regard as follows:

“..... and after examination reject any such deed or other document the execution or registration of which is not permitted by this Act or by any other law, or to the execution or registration of which any other valid objection exists”

1) *Deeds will be rejected where one of the following objections has been raised:-*

- 1.1. *The names of Transferors, Mortgagors, Applicants and consenters are wrong in any respect, whether a minor discrepancy or not (see also RCR 36 of 1954).*
- 1.2. *Errors in the description of properties.*
- 1.3. *Titles not being produced.*
- 1.4. *Causa or date of transaction is not disclosed.*
- 1.5. *Any errors in the extending clauses .*

The above is not all encompassing and for that reason it is deemed necessary to give some further guidance. The following notes should also be regarded as rejection notes:

- 1.6. Any full initialing required in powers of attorney or consents.
- 1.7. Errors in affidavits, requiring the affidavit to be redrawn and the oath re-done.(See also RCR 29/06)
- 1.8. The retyping of pages in deeds or where the deed must be redrawn (inclusive of bonds).(CRC2/2009,Para 2.6 and RC 10/2014)
- 1.9. The retyping of any page of a power of attorney or consent. (See also RCR 29/06)
- 1.10. The lodgement of further required documentation/proof for registration purposes.
- 1.11. The providing of false certificates by conveyancers.
- 1.12. Any prohibiting interdict.
- 1.13. All pages of Powers of Attorney must be fully initialed (**RCR 18 of 1989**).
- 1.14. Draft bond to be initialed by all parties (**RCR 26 of 2004**).
- 1.15. Falsification of signatures (**RCR 26 of 2006**).
- 1.16. The wrong prescribed form was utilized.

The reason why a deed must be rejected when pages are retyped or new documentation lodged, is because the pages or new documentation must be re-examined by the junior examiner, senior examiner and monitor. These checks and balances are imperative for the integrity of our deeds registration system. In the same vein, any amendment requiring full initialing can never be dealt with as a “*prep note*” as the deed, as with the retyping of pages, must leave the deeds registry for the initialing or typing to be done.

The question might now be posed as to when is full initialing required and when will a conveyancers certificate suffice. The following should be a sound guideline:

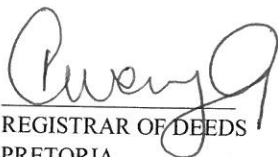
2) Full initialing by the executing party, witnesses and possibly the preparer will be required for the following;

- 2.1. The amendment of an error in the names, number, registration number or marital status of the transferor, mortgagor, applicant or consenting party. (RC 624 dated 25/11/192)
- 2.2. An error in the date of the transaction. (RC 624 dated 25/11/192)
- 2.3. An error in the property description with regard to an erf number/section number or the portion number of an erf, agricultural holding or farm. (RC 624 dated 25/11/192)
- 2.4. An error in the purchase price. (RC 624 dated 25/11/192)
- 2.5. An error in the amount in a mortgage bond, inclusive of the cost clause. (RC 624 dated 25/11/192)
- 2.6. An error of a bond number in consent.
- 2.7. An incorrect *causa*.
- 2.8. Incorrect conditions created or conditions not created or not inserted.
- 2.9. If the error in the names of the transferee is of a material nature, for example Fourie instead of Van der Merwe, such rectification must be fully initialed. (RC 624 dated 25/11/192)

See in this regard Reg 20(4) and Reg 44(2) Act 47/37 , Reg16B (2) Act 95/86, RCR 15 of 1988, RCR19/89 as confirmed by RCR 10 of 2004.

3) With regard to errors in transfer duty receipts, the provisions contained in CRC 9 of 2009 must be adhered to and a certificate in the following instances from a conveyancer will not be acceptable. These deeds must be rejected.

- 3.1. Full name and first six digits of the identity number/ registration number of the parties. Where a clear difference between a name/identity number/registration number cited in other documents (i.e. power of attorney) and the Transfer Duty Receipt exist;
- 3.2. Date of transaction
- 3.3. Purchase price, if property was sold
- 3.4. Property description (property is a sectional title scheme must be described by referring to the number of the section, name of the scheme, and the sectional plan number. No reference need be made to the undivided share in the common property. The exclusive use area must be described by referring to the exclusive use area, for instance G 10, name of the scheme, and the sectional plan number.) Errors in the property description. Citing incorrect Erf numbers or the names of places, e.g. Erf 345 instead of Erf 435, and Erf 345 Athlone instead of Erf 345 Cape town, must not be accepted. Errors with regard to the incorrect portion, e.g., portion 1 instead of portion 11 or the remainder of a portion 1, etc. must not be accepted.
- 3.5. Omitting to refer to a personal servitude, e.g. usufruct etc;
- 3.6. Deposit Transfer Duty Receipts must not be accepted for registration purposes. A Transfer Duty Receipt, on which the word "Deposit" has been deleted, must not be accepted as a valid Transfer Duty Receipt.


REGISTRAR OF DEEDS
PRETORIA

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