



rural development
& land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

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CHIEF REGISTRAR'S CIRCULAR NO. 6 OF 2015

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. 547 in Government Gazette No. 38922 dated 30 June 2015, shall be effective from 1 August 2015.

2. NATURE AND/OR IMPACT OF THE AMENDMENTS

2.1. Amendment of regulation 28:

Regulation 28(1) previously created the impression that both the registration division and the administrative district must be disclosed in deeds. The amendment of regulation 28 (1) (a) to refer to the disclosure of the registration division or administrative district, as the case may be, is in line with the practice that is followed in the deeds registries.

2.2. Amendment of regulation 39:

2.2.1. Regulation 39 (1) has been amended by the deletion of reference to the marital status of women, in cases where authority must be given for an act of registration under subregulations (1) (a) to (j).

2.2.2. Regulation 39 (2) provides that certain authorities (consents) need to be lodged in duplicate. However, it is no longer practice to call for consents to be lodged in duplicate and the deletion of regulation 39(2) was therefore necessary.

2.3. Amendment of regulation 44A:

2.3.1. Regulation 44A (d) (ii) (aa) has been amended to provide for a representative to act on behalf of a natural person. The amendment has the effect that where a person is appointed by a natural person to act as a representative, it is the responsibility of the person signing the preparation certificate to check that the necessary authority has been obtained for the signing of the document in a

representative capacity on behalf of the natural person.

- 2.3.2. Regulation 44A has been amended by the insertion of paragraph (d)(ii)(dd) to provide for the conveyancer / notary / attorney/ to assume responsibility in respect of the contractual capacity of persons or bodies that conclude transactions as disclosed in deeds and documents. This amendment is in line with the provisions of regulation 16C of the Sectional Titles Act, 1986 (Act No. 95 of 1986).

2.4. Amendment of regulation 45:

- 2.4.1. Regulation 45 (2) provides for deeds and documents to be lodged in duplicate in deeds registries. Deeds and documents are no longer lodged in duplicate. The deletion of regulations 45(2) was therefore necessary.
- 2.4.2. Regulation 45 (2A) provides that deeds can be lodged singly in deeds registries that have adopted the microfilming process for the filing of deeds. All deeds registries are using microfilming for the filing and reproduction of deeds and the deletion of regulations 45 (2A) was therefore necessary.

2.5. Amendment of regulation 52:

Regulation 52 (1) has been amended to provide for the registrar to require consent of the Master in terms of section 94 of the Administration of Estates Act, 1965 (Act No. 66 of 1965), in cases where a share in land has been bequeathed after the commencement of Act No. 66 of 1965.

2.6. Amendment of regulation 68:

Regulation 68 (11B) (a) has been amended to also provide 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 has become lost or destroyed, or incomplete or unserviceable. This amendment is consequential to the amendment of section 38 of the Deeds Registries Act, 1937 (Act No. 47 of 1937).

2.7. Amendment of regulation 73:


Regulation 73 (2) has been amended to provide for the lodgement of a diagram in respect of a *portion only* of land held under a title deed, in respect of the circumstances referred to in regulation 73 (1).

2.8. Amendment of regulation 74:

Regulation 74 in the Afrikaans text has been amended to substitute the word "*komplikasieplanne*" for the word "*kompilasieplanne*".

3. IMPLEMENTATION OF AMENDED REGULATIONS

The amended regulations must be applied only to deeds and documentation lodged after the date of commencement thereof (1 August 2015).


CHIEF REGISTRAR OF DEEDS
DATE: 02/07/15.

REFERENCE: A. 14/P AND 10/2/3
RINGBINDER 54
CHIEF REGISTRAR OF DEEDS
REGISTRARS OF DEEDS
DEEDS TRAINING
LAW SOCIETY OF SOUTH AFRICA : PRETORIA
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