



rural development & land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE CHIEF REGISTRAR OF DEEDS
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CHIEF REGISTRAR'S CIRCULAR NO. 5 OF 2019

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. 1418 in Government Gazette No. 42813 dated 1 November 2019, shall be effective two months from date of publication thereof. From a practical implementation point the amended provisions must therefore be complied with from 2 January 2020

2. NATURE AND/OR IMPACT OF THE AMENDMENTS

2.1. Amendment of regulation 68:

2.1.1 The proviso to regulation 68(1) now provides that if the Registrar is satisfied that any deed mentioned therein, namely in sub-regulation (1), has inadvertently been lost, destroyed, defaced or damaged by him/her, it will be competent for him/her to issue a copy thereof without the need to comply with sub-regulation (1E). It will thus not be necessary to advertise in newspapers a notification of intention to apply for such copies in those instances.

2.1.2 Regulation 68(1E)(a) now provides that certified copies of deeds referred to in sub-regulation (1) may not be issued unless the applicant has published, substantially in the prescribed form, a notice of intention to apply for such certified copies in an issue of a newspaper circulating in the area in which the land is situated, and in the case of a notarial bond in an issue of one or more newspapers circulating in the area of every deeds registry in which such notarial bond is registered.

The implication of the above is that apart from the written application and affidavit contemplated by sub-regulation (1), proof of compliance with sub-regulation (1E) must also be submitted.

Seeing that the practical implementation of the amended provisions must be complied with from 2 January 2020, no certified copy of a deed may be issued from that date without proof of publication of the prescribed notice.

In terms of paragraph (b) of sub-regulation (1E), copies of deeds referred to in paragraph (a) must be open for inspection in the deeds registry free of charge by any interested person for a period of two weeks from the date of publication of the notice, during which period any interested person may object to the issue of a copy. It stands to reason that an application for a certified copy in terms of sub-regulation (1) of regulation 68 can therefore not be lodged at a deeds registry within two weeks from the date of publication of the notice.

- 2.1.3 Sub-regulation (11) has been amended to do away with the requirement of advertising as was required in terms of the amendment thereof *vide* Government Notice GN 62 dated 25 January 2019, the operation of which was suspended by the Regulation Board and conveyed to Registrars and others *vide* CRC 1/2019.

2.2. Amendment of Regulation 79bis:

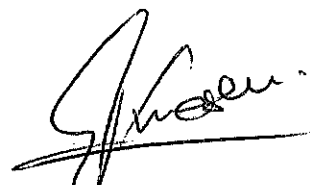
The above regulation has been amended to make it a requirement for Registrars to now also inform the Surveyor-General of the registration of general plans.

2.3. Substitution of Forms JJJ and KKK:

The amended (substituted) Forms JJJ and KKK are consequential to the amendment of regulation 68. Form JJJ must be used for all deeds provided for in regulation 68(1), excluding mortgage bonds, whilst form KKK may only be used for bonds.

3. REPEAL OF PRIOR CHIEF REGISTRAR'S CIRCULAR

CRC 1/2019 is hereby repealed.



CHIEF REGISTRAR OF DEEDS

DATE: 25/11/2019.

REFERENCE: A. 14/P AND 10/2/3

RINGBINDER 54

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