



rural development
& land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

DEEDS REGISTRY - JOHANNESBURG
P O Box 61873, Marshalltown, 2107; Tel: 011 843 8300; Fax: 011 843 8428

REGISTRAR'S CIRCULAR NO 01 OF 2020

PROCEDURE REGARDING THE AMENDED REGULATION 68 OF THE DEEDS REGISTRIES ACT 47 OF 1937

1. Purpose

1.1 The purpose of this circular is to clarify the procedure to be followed with regards the issuing of VA copies in line with the amended Regulation 68 as per GG No. 42813 dated 01 November 2019 which came into operation from 02 January 2020.

1.2 This circular must be read with RC3/2015(JHB) and CRC 5 of 2019.

2. Notice of intention to apply a certified copy.

2.1 The copy of a notice of intension to apply must be served by the applicant at the Deeds Office: Information Section once published in the newspaper.

2.2 The address of the Registrar of Deeds must be reflected as: Deeds Office Information Section, Mezzanine Floor, 208-212 Marble Towers Building, c/n Von Weilligh & Pritchard Street, Johannesburg.

2.3 The Assistant Registrar of Deeds in charge of Information Section or delegate officials will then check for compliance and record such notice in a register and stamp the clients copy with an official date stamp as proof of receipt. The copy of the stamped notice of intension to apply will be filed by the Deeds office for inspection purposes.

2.4 A copy the said deed will then be made and attached to the notice and thereafter be opened for inspection.

2.5 Furthermore an office caveat will be noted against the property stating that a ***“VA is pending, no further dealing with the title deeds”***.

2.6 Should the original title be found, the applicant must formally withdraw the notice in order to have the “VA pending caveat” purged and the copy so processed converted to copy for information purposes and charged accordingly.

3. Dealing with Objection

3.1 Should an objection be lodged, the Registrar of Deeds will formally inform the applicant of the objection.

3.2 A further caveat will be noted regarding the objection and will only be purged upon written confirmation by both parties that the objection has been dealt with.

4. Lost Deeds Office copy

4.1 Should the Deeds Office Copy also be lost and same has been confirmed after an extensive search, the applicant will immediately be informed to follow the provisions of Section 38 of Deeds Registries Act.

5. Upon expiry of the two weeks

5.1 The applicant must lodge the original affidavit and application in a yellow cover and proof of publication as per Regulation 68(1E) (a) of the Deeds Registries Act for examination purpose.

5.2 Furthermore the preparer must certify that the person that signed the affidavit and application is in fact the applicant described in the application.

The preparer's certificate must read as follows:

"I..... hereby certify that, this application was signed by the applicant mentioned herein and after due enquiry has been made the identity and legal capacity of the applicant has been verified and is correctly reflected."

.....
*Attorney/conveyancer

*Delete the necessary

5.3 Clients are further reminded of the procedure set-out in RC3/2013 regarding the red "VA" indicator on the cover to ensure that correct copies are inserted by distribution prior to assigning to examiners.

6. Effective date.

This circular will be effective with effect from the 08 January 2020.


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REGISTRAR OF DEEDS
DATE: 08/01/2020



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REGISTRAR'S CIRCULAR NO 3 OF 2015

REVISED PROCEDURE FOR LODGEMENT AND ISSUING OF COPIES IN TERMS OF REGULATION 51(2), 68(1), 68(8) and 68(11) ACT 47/1937

1. NEW PROCEDURE

As from 01 August 2015 all prior procedure in respect of issuing of certified copies in terms of **Regulation 51(2), 68(1), 68(8) and 68(11) of Act 47/1937** have been withdrawn. RC 1/2010 and RC3/2013 (Clause 1) is hereby withdrawn.

- 1.1 Conveyancers lodge their Application/ Affidavits in terms of Reg 68(1)/ Reg 68(8), consents in terms of Reg 68(11) and transactions requiring Reg 51(2) copies normally with all affected simuls as part of the batch and place it on a demarked area/box at Lodgement counter.
- 1.2 To ensure effectiveness with regards to this process, conveyancer *must* indicate in red marker/pen/stamp on No.1 of the batch that a copy in terms of the above Regulations is needed failure which will result in deeds being rejected.

Example of endorsement
Reg 51(2)/68(1)/68(8) or 68(11)

VA/COPY

- 1.3 The said transactions will be separately packed at lodgement and forwarded immediately to Data Prep to issue computer print outs (CPO) and send to Distribution section,
- 1.4 Upon receipt at Distribution section a list of the requested copies will be compiled and forwarded to VA section,
- 1.5 VA Section will then prioritize processing of the said copies and immediately send back to Distribution section,
- 1.6 Distribution section will then insert the said copies into their respective transactions and allocate/distribute to examiners. *It is important to note that not all copies ordered on a specific day will necessarily be made on the day due to other factors such as availability of source documents or system, however this will be communicated to the affected firm.*

1.4 The cut-off date for the current procedure will be 29 July 2015.

2. COPIES ALREADY MADE UNDER THE PREVIOUS DISPENSATION.

Copies made but not yet collected

2.1 VA section will as far as possible strive to deliver all copies applied for in terms of RC3/2013 by 31 July 2015, the outstanding uncollected copies will be forwarded to distribution once the transaction is lodged. Conveyancers will be expected to lodge the transaction together **with a valid tear-off slip** in this regard.

2.2 All other copies not collected within three months from the date of application will be converted to copy for information and debited against the applicant/firm and delivered.

3. ANY OTHER COPIES

3.1 All other request for copies i.e for information, judicial purposes will still be applied for at VA section in accordance with the current system.

Examiners must take necessary care to ensure that deeds are not unnecessarily rejected due to internal over-sight.

Deeds Office staff and Conveyancers/clerks are urged to familiarize themselves with the contents of this circular and procedure in order to ensure effective implementation.

This circular will be effective as from 01 August 2015.

 M MAHLANGU

REGISTRAR OF DEEDS

DATE: 28/07/15



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Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE CHIEF REGISTRAR OF DEEDS
Private Bag X918, Pretoria, 0001; Tel: 012 338 7000

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

CHIEF REGISTRAR OF DEEDS

REGISTRARS OF DEEDS

DEEDS TRAINING

LAW SOCIETY OF SOUTH AFRICA: PRETORIA

LEGAL PRACTICE COUNCIL