



**rural development
& land reform**

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

Registrar of Deeds, Bloemfontein, Private Bag X 20613, BLOEMFONTEIN, 9300 – Tel 051-403 0300 – Fax 051-4030370

REGISTRAR'S CIRCULAR 1 OF 2020
NEW PROCEDURE FOR REGULATION 68 APPLICATION FOR
DEEDS REGISTERED AFTER 1 JANUARY 2020

1. PURPOSE

To provide practice and procedures for application for lost, destroyed, defaced or damaged copies of title deeds conferring title to land or any interest therein or any real right, or any registered lease or sublease of registered cession thereof or any mortgage bond or notarial bond which is to be used to serve in place of the lost or destroyed original deed (VA).

2. BACKGROUND

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 JJJ or KKK, 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 applicant must ensure the availability of title in the deeds registry before the notice is placed for publication. Should the applicant publish the notice without the office confirming the availability of the copy, the Registrar of Deeds will not be liable for wasted expenditure.

In the event, during examination it is determined that the copy is in fact incomplete or unusable, the registrar will immediately inform the client to follow the applicable legislation.

The proviso to regulation 68(1) of the Deeds Registries Act 47 of 1937 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).

3. NEW PROCEDURE FOR APPLICATION OF THE REGULATION 68(1)

3.1. Guidelines for internal compliance with Regulation 68 (1E) Deeds Registries Act, 1937 (Act 47 of 1937)

- 3.1.1. Publication of the notice of intention to apply for lost, destroyed, defaced or damaged copy for the issuing of copy must be done in the prescribed form. (JJJ for deeds and KKK for bonds)
- 3.1.2. The Registrar must be provided with a copy of the notice in 3.1.1. upon/on the day of publication.
- 3.1.3. The conveyancer/applicant must complete the register as proof of submission at the office of the Registrar, room B29.
- 3.1.4. The registrar will record/ note a caveat on the property printout of the affected title deeds, with a status "VA pending".
- 3.1.5. The Registrar shall upon receipt of the notice allow the viewing of the deeds for a period of two weeks from date of publication to any interested person free of charge as contemplated in regulation 68(1E)(a). Should there be any objections, which must be in writing; the Registrar will allow the viewing of the intended copy of title on the system.
- 3.1.6. The Registrar will inform the client/applicant in writing of the objection received and record/ note a caveat on the property printout of the affected title deeds to the effect that there is an objection to the issuing of the copy. The

examiners will not pass a transaction up until the applicant/conveyancer has disposed of the matter to the satisfaction of the registrar.

3.1.7. After two weeks the conveyancer shall then proceed with the lodgement of the application, affidavit as well as proof of the publication for the lost or destroyed copy. The registration must be done within 3 months from the date of expiry of the two weeks, if not lodged the caveat will be removed, after which re-advertisement must be done.

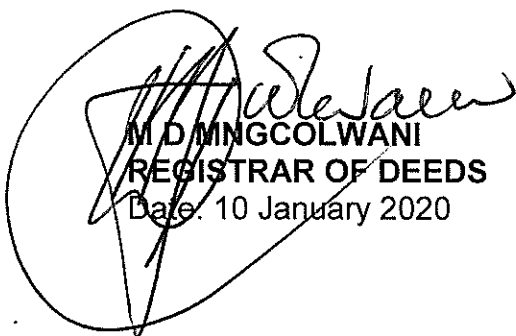
3.1.8. Should the transaction be passed the examiner will make an office note to purge the caveat after registration.

3.1.9. Should the transaction be rejected, the copy must be removed by the examiner; the examiner must return it to the registration section and it must be placed back in the "VA pending" box at the interdict section.

3.2. Regulation 68 (11) Deeds Registries Act, 1937 (Act 47 of 1937).

3.2.1. The provision of regulation 68 (1E) does not apply in respect of application in terms of Reg. 68(11) of the DRA.

This circular shall come into operation with effect from 02 January 2020. Deeds lodged before 02 January 2020 already in the system should continue to be registered, however, if rejected the new procedures must be complied with.



M.D. MINGCOLWANI
REGISTRAR OF DEEDS
Date: 10 January 2020