



REGISTRAR'S CIRCULAR NO.1 OF 2020

NEW PROCEDURE RELATING TO REGULATION 68 APPLICATIONS

1. PURPOSE:

The purpose of this circular is to clarify the procedure relating to the new amendments to Regulation 68 of the Deeds Registries Act 47 of 1937, this circular must be read in conjunction with CRC 5 of 2019.

2. BACKGROUND AND IMPLEMENTATION DATE:

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, this means that all applications lodged for registration as from the 02 January 2020 must follow the new provisions.

3. PROCEDURE:

- 3.1 The conveyancer must submit the Notice of Intention to apply for such certified copy in terms of Regulation 68 of Act 47/1937 - **Form JJJ and KKK**, together with proof of publication in the newspaper circulating in the area in which the land is situated and a copy of the intended application, to the Assistant Registrar of Deeds: Information Section in Room 411- **Regulation 68(1E)(a)**. The notice of intention to apply must contain the registration details as it appears in the Deeds Registry records.
- 3.2 The Assistant Registrar: Information Section/ delegate must record such notice in his/her register, to indicate receipt and stamp the clients copy of the notice with the official stamp, to acknowledge receipt. A copy of the deed will then be generated, attached to the Notice of Intention (**Form JJJ and KKK**) and be laid for inspection at the Information Section for a period of 2 weeks - **Regulation 68(1E)(b)**.
- 3.3 If the Registrar of Deeds receives an objection, he will formally inform the applicant of receipt of such and a caveat will be noted to indicate that the application for a certified copy of the title in question is subject to an objection – **Regulation 68(1E)(c)**. The application for a certified copy will not be proceeded with until written communication, from both the applicant and the objector, is lodged with the Registrar of Deeds confirming that the objection has been resolved and the application may proceed.

- 3.4 After the expiry of the 2 week period from date of publication, the normal lodgement and examination process must be followed, accompanied by the proof of advertisement – Regulation 68 (1E)(a). Examiners must check for compliance with the time frame.
- 3.5 In a case where the Deeds Office copy is lost and same has been confirmed after an extensive search, the Registrar of Deeds will immediately inform the applicant in writing to invoke the provisions of Section 38 of the Deeds Registries Act.
- 3.6 Take note that the publication/advertisement process is not applicable where it is proven that the deeds were lost/ destroyed/defaced/damaged whilst in the custody of the Registrar of Deeds or where the damages/ defaced deed is produced to the Registrar of impoundment and is also not applicable where applications are lodged in terms of Regulation 68(11) for the cancellation of lost bonds.
- 3.7 The address of the Registrar must be reflected in the notice of intention to apply, as Registrar of Deeds: Pietermaritzburg, High Court Building, 300 Pietermaritz Street, Pietermaritzburg.

4. This circular comes into effect from the 13th January 2020.


REGISTRAR OF DEEDS: PIETERMARITZBURG
DATE: 10/01/2020

Ref No: 14/P