

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

NO. R. 62

25 JANUARY 2019

**DEEDS REGISTRIES ACT, 1937 (ACT NO. 47 OF 1937): AMENDMENT OF REGULATIONS**

In terms of section 9 (9) of the Deeds Registries Act, 1937 (Act No. 47 of 1937), I, Maite Nkoana-Mashabane, Minister of Rural Development and Land Reform, hereby approve the regulations contained in the Schedule as made by the Deeds Registries Regulations Board under section 10 of the said Act. The regulations will come into operation one month from the date of publication hereof in the *Gazette*.

**MS MAITE NKOANA-MASHABANE, (MP)****MINISTER OF RURAL DEVELOPMENT AND LAND REFORM**

## SCHEDULE

### Definitions

1. In this Schedule “the Regulations” mean the Regulations promulgated by Government Notice No. R. 474 of 29 March 1963, as amended.

### Amendment of regulation 68

2. Regulation 68 of the Regulations is hereby amended-

- (a) by the substitution for subregulation (1) of the following subregulation:

“(1) If any deed conferring title to land or any interest therein or any real right, or any registered lease or sublease or registered cession thereof or any mortgage or notarial bond, is lost or destroyed and a copy is required for any purpose other than one of those mentioned in either of the last two preceding regulations, the registered holder thereof or his duly authorized agent may make written application for such copy, which application shall be accompanied by an affidavit, which affidavit must be attested by a notary public, describing the deed and stating that it has not been pledged and it is not being detained by any one as security for debt or otherwise, but that it has been actually lost or destroyed and cannot be found though diligent search has been made therefor, and further setting forth where possible the circumstances under which it was lost or destroyed: Provided that where a Registrar is satisfied that any deed mentioned in this paragraph has been inadvertently lost, destroyed, defaced or damaged by him, it shall, notwithstanding the provisions of subregulation (2), be competent for him to issue a copy thereof free of charge upon submission of an application and an affidavit, which affidavit must be attested by a notary public.”;

- (b) by the insertion after subregulation (1D) of the following subregulation:

“(1E) (a) Before the issuing of a certified copy of any deed conferring title to land or any interest therein or any real right, or any registered lease or sub-lease or registered cession thereof or any mortgage or notarial bond under this regulation, the applicant shall publish, substantially in the prescribed form, a notification of intention to apply for such certified copy in an ordinary issue of the *Government Gazette*.

(b) Copies of deeds referred to in paragraph (a) shall be open for inspection in the deeds registry free of charge by any interested person, for a period of two weeks after the date of publication of the notice, during which period any person interested may object to the issue of a copy.

(c) All persons having objection to the issue of such copy must lodge such objection in writing with the relevant Registrar of Deeds within two weeks after the date of the publication of the notice”; and

(c) by the substitution for subregulation (11) of the following subregulation:

“(11) If the registered holder of a mortgage or notarial bond (which has been lost, destroyed or is unserviceable) or his or her duly authorised agent desires to procure cancellation of the bond, and has made written application duly witnessed to the Registrar to cancel such bond, and has complied, mutatis mutandis, with the provisions of subregulations (1), (1E), (2) and (3) of this regulation, the Registrar shall, if he or she is satisfied that no good reason to the contrary exists, cancel the registration duplicate of such bond, and such cancellation shall be deemed to be a cancellation of such bond notwithstanding that the original of such bond was not submitted for cancellation.”.

### **Substitution and addition of forms**

3. Regulations are hereby amended-

(a) by the substitution for form E of the following form:

## "Form E

Prepared by me

.....

CONVEYANCER

.....

(State full name and surname  
in block letters)**DEED OF TRANSFER**

Be it hereby made known:

That.....appeared before me.....at....., the said appearer, being duly authorised thereto by a power of attorney granted to him/her.....dated the.....day of.....19.....and signed at .....and the said appearer declared that .....(here insert an appropriate recital of the nature of the transaction or the circumstances necessitating transfer) and that he/she in his/her capacity aforesaid, did, by these presents, cede and transfer to and on behalf of....., heirs, executors, administrators or assigns, \*in full and free property/all rights, title and interest in a leasehold/initial ownership.....(here insert the description of the land or share therein to be conveyed, including the name, number, registration division and administrative district, and the area. The regulations governing the extending clause and reference to conditions must be observed).

Wherefore the appearer, renouncing all the rights and title .....(insert name of transferor) heretofore had to the premises, did, in consequence also acknowledge him/her/it, to be entirely dispossessed of, and disentitled to, the same; and that, by virtue of these presents, the said....., heirs, executors, administrators or assigns, now is and henceforth shall be entitled thereto, conformably to local customs; the State, however, reserving its rights, and finally acknowledging .....(here quote the \* purchase price / declared value of the property where a purchase price is not applicable / purchase price and the declared value where the declared value of the property is higher than the purchase price ).

In witness whereof I, the said Registrar, together with the appearer, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

Thus done and executed at the Office of the.....at.....on this..... day of .....in the year .....

.....  
Signature of appearer q.q.  
.....

In my presence

.....

Registrar of Deeds

(Add a registration clause approved by the Registrar)

N.B. - In the case of donation transfers if a signed acceptance is lodged with the deed such acceptance should be quoted in the recital and no further reference would be necessary. If it is desired to insert an acceptance clause in the deed, such must appear immediately before the 'In witness whereof' clause: Provided that this is only applicable to donations entered into prior to 19 October 1982.

\* Omit whichever is not applicable";

(b) by the addition of the following form:

**"FORM JJJ  
LOST OR DESTROYED DEED**

Notice is hereby given in terms of regulation 68 of the Deeds Registries Act, 1937, of the intention to apply for the issue of a certified copy of .....(here describe the deed) passed by .....in favour of .....\*in respect of certain .....(here insert the description of the property, omitting extent) which has been lost or destroyed.

All persons having objection to the issue of such copy are hereby required to lodge the same in writing with the Registrar of Deeds at .....within two weeks after the date of the publication of this notice.

Dated at ..... this..... day of .....

.....

Applicant

Address

E-mail address

Contact number

\* In the case of notarial bonds, omit reference to property"; and

(c) by the addition of the following form:

**"FORM KKK**

**CANCELLATION OF LOST OR DESTROYED BOND**

Notice is hereby given in terms of regulation 68 of the Deeds Registries Act, 1937, of the intention to apply for the cancellation of..... (here insert bond code, number and year)..... passed by.....for a capital amount of..... in favour of.....\*in respect of certain..... (here insert the description of the property, omitting extent) which has been lost or destroyed.

All persons having objection to such cancellation are hereby required to lodge the same in writing with the Registrar of Deeds at ..... within two weeks after the date of the publication of this notice.

Dated at ..... this..... day of .....

.....

Applicant

E-mail address

Contact number

\* In the case of Notarial Bonds, omit reference to property”.

**Short title**

4. These regulations shall be known as the Deeds Registries Amendment Regulations, 2019.

## DEPARTEMENT VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING

NO. R. 62

25 JANUARIE 2019

## REGISTRASIE VAN AKTES WET, 1937 (WET NO. 47 VAN 1937): WYSIGING VAN REGULASIES

Kragtens artikel 9(9) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), keur ek, Maite Nkoana-Mashabane, Minister van Landelike Ontwikkeling en Grondhervorming, hiermee die regulasies soos in die Bylae vervat, uitgevaardig deur die Registrasieregulasieraad kragtens artikel 10 van bedoelde Wet, goed. Die regulasies tree in werking een maand vanaf die datum van publikasie hiervan in die *Staatskoerant*.



MS MAITE NKOANA-MASHABANE, (MP)

MINISTER VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING



**BYLAE****Woordomskrywing**

1. In hierdie Bylae beteken “die Regulasies” die regulasies uitgevaardig by Goewermentskennisgewing No. R. 474 van 29 Maart 1963, soos gewysig.

**Wysiging van Regulasie 68**

2. Regulasie 68 van die Regulasies word hierby gewysig-

(a) deur subregulasie (1) deur die volgende subregulasie te vervang:

“(1) As 'n akte waarby reg op grond of enige belang daarin of enige saaklike reg verleen word, of enige geregistreerde huurkontrak of onderhuurkontrak of geregistreerde sessie daarvan of enige verbandakte of notariële verband verlore raak of vernietig is, en 'n afskrif nodig is vir 'n ander doel as vir dié genoem in enigeen van die laaste twee voorafgaande regulasies, kan die geregistreerde houer daarvan, of sy behoorlik gemagtigde agent, skriftelik aansoek doen om sodanige afskrif, en dié aansoek moet vergesel wees van 'n beëdigde verklaring wat die akte beskryf, welke beëdigde verklaring deur 'n notaris geattesteer moet wees, en meld dat dit nie verpand of deur iemand gehou word as sekuriteit vir skuld of andersins nie, maar dat dit werklik verlore geraak het of vernietig is, en dat dit na grondige ondersoek nie te vind is nie, en verder om, waar moontlik, die omstandighede uiteen te sit waaronder dit verlore geraak het of vernietig is: Met dien verstande dat waar 'n Registrateur oortuig is dat enige akte waarna in hierdie paragraaf verwys word, onopsetlik deur hom verloor, vernietig, geskend of beskadig is, hy, nieteenstaande die bepalings van subregulasie (2), 'n afskrif daarvan gratis kan uitleik by voorlegging van 'n aansoek en beëdigde verklaring, welke beëdigde verklaring deur 'n notaris geattesteer moet wees.”;

(b) deur ná subregulasie (1D) die volgende subregulasie in te voeg:

“(1E) (a) Alvorens 'n gesertifiseerde afskrif van enige akte waarby reg op grond of enige belang daarin of enige saaklike reg verleen word, of enige geregistreerde huurkontrak of onderhuurkontrak of geregistreerde sessie daarvan of enige verbandakte of notariële verband kragtens hierdie regulasie uitgereik word, moet die aansoeker, substansieel in die voorgeskrewe vorm, 'n kennisgewing van voorneme om aansoek vir sodanige afskrif te doen publiseer in 'n gewone uitgawe van die *Staatskoerant*.

(b) Afskrifte van aktes na verwys in paragraaf (a) moet in die registrasiekantoor ter kostelose insage van belanghebbendes beskikbaar gehou word, vir 'n tydperk van twee weke ná datum van publikasie van die kennisgewing, gedurende welke tydperk enige belanghebbende teen die uitreiking daarvan beswaar mag aanteken.

(c) Alle persone wat beswaar het teen die uitreiking van sodanige afskrif, moet skriftelike beswaar indien by die toepaslike Registrateur van Aktes binne twee weke ná datum van publikasie van die kennisgewing.” en

(c) deur subregulasie (11) deur die volgende subregulasie te vervang:

“(11) As die geregistreerde houer van 'n verband of notariële verband (wat verlore geraak het, vernietig is of onbruikbaar geword het) of sy of haar behoorlik gemagtigde agent begeer om die rojering van die verband te verkry en skriftelik aansoek, behoorlik deur getuies onderteken, gedoen het by die Registrateur om die rojering van sodanige verband, en mutatis mutandis voldoen het aan die bepalings van subregulasies (1), (1E), (2) en (3) van hierdie regulasie, moet die Registrateur, as hy of sy oortuig is dat daar geen goeie rede bestaan waarom hy of sy dit nie sou doen nie, die registrasieduplikaat van sodanige verband rojeer, en sodanige rojering word geag 'n rojering van sodanige verband te wees nieteenstaande dat die oorspronklike van sodanige verband nie vir rojering voorgelê is nie.”.

## Vervanging en byvoeging van Vorms

3. Die Regulasies word hierby gewysig:-

(a) deur Vorm E deur die volgende Vorm te vervang

**"Vorm E**

Opgestel deur my

.....

**TRANSPORTBESORGER**

.....

(Vermeld volle naam en van in  
blokletters.)

**TRANSPORTAKTE**

Hierby word bekendgemaak:

Dat..... voor my verskyn het te..... die genoemde komparant synde behoorlik daartoe gemagtig deur 'n volmag aan hom/haar verleen deur ..... gedateer die .....dag van.....19.....en geteken te.....en genoemde komparant het verklaar .....(voeg hier in die gepaste uiteensetting van die aard van die transaksie of die omstandighede wat 'n transport nodig maak) en dat hy/sy in sy/haar voornoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van ....., erfgename, eksekuteurs, administrateurs of regverkrygendes, \* in volkome en vrye eiendom/alle regte, titel en belang in 'n huurpaj/voorlopige eiendomsreg (voeg hier in die beskrywing van die grond of aandeel daarin wat oorgedra moet word, insluitende die naam, nommer, registrasie-afdeling of administratiewe distrik, en die grootte. Die regulasies wat die uitstrekkelsule bepaal en die verwysing na die voorwaardes, moet nagekom word).

Weshalwe die komparant afstand doen van al die regte en titel wat..... (meld naam van transportgewer) voorheen op genoemde eiendom gehad het en gevolglik ook erken dat hy/sy/dit, geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie; en dat, kragtens hierdie akte, bogenoemde ....., erfgename, eksekuteurs, administrateurs of regverkrygendes tans en voortaan daartoe geregtig is, doreenkomstig plaaslike gebruik, behoudens die regte van die Staat en erken hy/sy ten slotte..... (voeg hier in \* die koopprys / verklarende waarde van die eiendom waar 'n koopprys nie van toepassing is nie / koopprys en die

verklarende waarde waar die verklarende waarde van die eiendom meer is as die verkoopprijs).

Ten bewyse waarvan ek, genoemde Registrateur, tesame met die komparant hierdie Akte onderteken en dit met die ampseël bekragtig het.

Aldus gedoen en verly op die Kantoor van die ..... te ..... op hede die.....dag van .....in die jaar .....

.....  
qq Handtekening van komparant.

In my teenwoordigheid

.....  
Registrateur van Aktes

(Voeg in 'n registrasieklausule deur die Registrateur goedgekeur.)

*LW:* In die geval van begiftigingstransporte, as 'n getekende aanname ingedien word tesame met die Akte, moet die aanname in die uiteensetting aangehaal word 'n daarna is geen verdere verwysing nodig nie. As verlang word om 'n aannameklausule in die Akte in te voeg, moet dit onmiddellik voor die "Ten bewyse waarvan"-klausule ingevoeg word: Met dien verstande dat dit slegs van toepassing is op skenkings aangegaan voor 19 Oktober 1982.

Laat weg wat nie van toepassing is nie.";

(b) deur die byvoeging van die volgende vorm:

#### "VORM JJJ

#### Verlore of vernietigde Titelbewys

Hiermee word kennis gegee dat kragtens die bepalings van regulasie 68 van die Registrasie van Aktes Wet, 1937, dit die voorneme is om aansoek te doen om 'n gesertifiseerde afskrif van .....(beskryf hier die akte) gepasseer deur..... ten gunste van ..... \*ten aansien van sekere .....(voeg hier in die beskrywing van die eiendom uitsluitende die grootte) wat verlore geraak het of vernietig is.

Alle persone wat teen die uitreiking van sodanige afskrif beswaar het, word hierby versoek om dit skriftelik in te dien by die Registrateur van Aktes te ..... binne twee weke ná datum van publikasie van hierdie kennisgewing.

Gedateer te ..... op hede die ... dag van .....

Aansoeker

Adres

E-pos adres

Kontak nommer

\* Skrap die verwysing na eiendom in geval van notariële verbande.”; en

(c) deur die byvoeging van die volgende vorm:

#### "VORM KKK

#### KANSELLASIE VAN VERLORE OF VERNIETIGDE VERBAND

Hiermee word kennis gegee dat kragtens die bepalings van regulasie 68 van die Aktes Wet, 1937, dit die voorneme is om aansoek te doen om die kansellasiel van ..... (voeg hier in die verbandkode, nommer en jaar) gepasseer deur .....vir die kapitale bedrag van ..... ten gunste van ..... \*ten aansien van sekere .....(voeg hier in die beskrywing van die eiendom, uitsluitende die grootte) wat verlore geraak het of vernietig is.

Alle persone wat teen die sodanige kansellering beswaar het, word hierby versoek om dit skriftelik in te dien by die Registrateur van Aktes te ..... binne twee weke ná datum van publikasie van hierdie kennisgewing.

Gedateer te ..... op hede die ..... dag van .....

- 7 -

.....  
Aansoeker

Adres

E-pos adres

Kontak nommer

\* Skrap die verwysing na eiendom in geval van notariële verbande.”.

#### **Kort titel**

- 4.** Hierdie regulasies heet die Aktesregistrasie Wysigingsregulasies, 2019.