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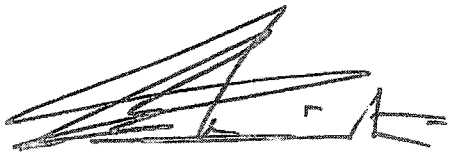
GOVERNMENT NOTICE

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

No. R. 547 **30 June 2015**

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, Gugile Ernst Nkwinti, Minister of Rural Development and Land Reform, hereby approves 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*.



NKWINTI, G E (MP)
MINISTER OF RURAL DEVELOPMENT AND LAND REFORM

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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 28

2. Regulation 28 of the Regulations is hereby amended by the substitution in subregulation (1) for paragraph (*a*) of the following paragraph:

"(*a*) The name of the registration division or administrative district and the province in which such land is situated, or, in the case of land situated in a township, the registration division concerned or the administrative district (as the case may be), the name of such township and the province; and".

Amendment of Regulation 39

3. Regulation 39 of the Regulations is hereby amended –

(a) by the substitution for the words following paragraph (*j*) of subregulation (1) of the following words:

"shall be given in the prescribed form each upon a separate sheet or sheets of paper by the holder of the bond, or, where applicable, by the holder and the mortgagor or the person about to be substituted as mortgagor or by his or their duly authorised agent, and shall be signed and duly witnessed: Provided that where the consent of a co-mortgagor is also required for the registration, such consent may be appended to the consent of the holder of the bond or given separately. Every such authority shall identify the bond, the legal holder of the bond, and any other consenting party."; and

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(b) by the deletion of subregulation (2).

Amendment of regulation 44A

4. Regulation 44A of the Regulations is hereby amended-

(a) by the substitution of subparagraph (*d)*(ii)*(aa*) of the following subparagraph:

"(*aa*) the necessary authority has been obtained for the signing of such document in a representative capacity on behalf of a natural person, company, close corporation, church, association, society, trust or other body of persons or an institution whether created by statute or otherwise;" and

(*b*) by the insertion after subparagraph (*d)*(ii)*(cc*) of the following subparagraph:

"(*dd*) the person, entity, body of persons, whether created by statute or otherwise, is contractually capable of concluding the transaction disclosed in the deed or document lodged for registration; and".

Amendment of regulation 45

5. Regulation 45 of the Regulations is hereby amended-

(a) by the deletion of subregulation (2); and

(b) by the deletion of subregulation (2A).

Amendment of regulation 52

6. Regulation 52 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

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"(1) Where, in the partition of land, an undivided share in such land is registered in the name of a deceased person, or of his or her estate, or of his or her surviving spouse, the Registrar shall, if such share has been bequeathed, require not only the consent of the Master in terms of section 53 of the Administration of Estates Act, 1913 (Act 24 of 1913), or section 94 of the Administration of Estates Act, 1965 (Act 66 of 1965), as the case may be, on behalf of heirs or legatees who may be minors, but also the consent of the major heirs or legatees, if there are such, unless it can be proved to his or her satisfaction by documentary evidence that the partition was agreed upon during the lifetime of the testator.".

Amendment of regulation 68

7. Regulation 68 of the Regulations is hereby amended by the substitution in subregulation (11B) for paragraph (*a*) of the following paragraph:

"(*a*) The registered holder of a mortgage or notarial bond, or his or her duly authorised agent, who desires to procure cancellation of such bond which has been lost, destroyed, or became incomplete or unserviceable and of which the registry duplicates has also been lost, destroyed, or became incomplete or unserviceable, must at own expense publish (in the prescribed form) notice of intention to apply for the cancellation of the registration of such bond, in two consecutive ordinary issues of the Gazette.".

Amendment of regulation 73

8. Regulation 73 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(2) A diagram shall be annexed to each copy of the relevant deed in respect of leases and subleases of land and cessions thereof affecting only a portion of land held under such deed, and to notarial releases of any part of the property leased and also to deeds creating or defining servitudes and real

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rights whether created or defined by the parties thereto or by order of the Court or a Water Court: Provided that a servitude feature of uniform width, or a servitude feature at a specified distance from and parallel to a surveyed line shown on a registered diagram, in either instance extending along the entire length of such surveyed line other than a servitude for road widening purposes, may be registered by description without a supporting diagram: Provided further that any other servitude may, at the discretion of the Surveyor-General, be registered if he or she is satisfied that such servitude can be plotted on the diagram of the land affected: Provided further that a diagram need not be annexed to each copy of a deed creating or defining a servitude if such servitude is represented on a general plan filed in a Deeds Registry: Provided further that nothing in this subregulation shall exclude the registration of a servitude in general terms.".

Amendment of regulation 74

9. Regulation 74 in the Afrikaans text of the Regulations is hereby amended by the substitution of the word "*komplikasieplanne*" therein for the word '*kompilasieplanne*'.

Short title

10. These regulations shall be known as the Deeds Registries Amendment Regulations, 2015.