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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

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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 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:

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"(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:

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"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).

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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.

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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

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* 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.