agriculture, land reform
& rural development

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE REGISTRAR OF DEEDS, PRETORIA, PRIVATE BAG X 183, 600 LILLIAN NGOYI STREET, PRETORIA, 0001.TEL: (012) 338 7000, FAX: (012) 338 7103

REGISTRAR CIRCULAR NO. 2/2023

PROCEDURE TO DEAL WITH DEEDS LOST IN THE REGISTRARS POSESSION REGULATION 68(1)(E)

Purpose

1. To outline the procedure on how to deal with deeds lost within the office and to centralize the functions relating hereto.

Procedure

2. The relevant conveyancer/Firm must consult with the Assistant Registrar in charge of the DOTS Section and complete the prescribed form in full.

   The information regarding the last tracking point of the lost deeds will be verified on the system and the said Assistant Registrar will then forward a request to search for the deeds to the Section where the deeds were last scanned.

   Each application should have a letter from the firm containing the full registration facts, tracking numbers and a copy of a Deeds Office DOTS tracking. Take note that no windeed or other printouts will be accepted.

   The said section will be given a period of two working days within which to attend to the query. Thereafter the relevant sections have to provide the Assistant Registrar of DOTS with written confirmation that the deeds were searched for and could not be found.

3. On the third working day after the query was lodged, the Conveyancer may approach the Assistant Registrar for the results/outcome of the search done.

4. Deeds referred back to the Deeds Office for the redrafting/reconstruction or rectification for after registration mistakes will be dealt with in a similar manner. The official who acknowledged receipt of the deeds will have to provide written confirmation that the deeds got lost and that after a proper search was conducted could not be found.

4(a). The Deeds Office will only assist clients with a free VA copy if the office is approached within **five working days** from the last scanning point date. Deeds that were lost longer than a period of 3 months and without any enquiries from the conveyancer or Firm within that period will not be entertained by the Registrar.

4(b). A register will be kept at the DOTS Section whereby the client as well as the Conveyancer/Firm will complete the necessary information by acknowledging receipt thereof.
Should this period exceed the five working days the client will take full responsibility thereof.

5. The conveyancer will then have to redraw the deeds de novo. The Conveyancer may also approach the Registrar of Deeds for the issuing of a copy, free of charge, of the old titles involved with the missing deeds. Some facts must be proved to the Registrar e.g. if A Power of Attorney was endorsed with a section 42(2) endorsement, the relevant conveyancer may be requested by the Registrar of Deeds to proof the Facts in terms of section 4(1)(a) of the Deeds Registry Act 47 of 1937.

6. Please take note that no queries should be lodged regarding deeds already scanned into prep or deeds scanned at out of Delivery. As such deeds are considered to be the responsibility of the Conveyancers in that they deemed to be in their possession.

7. Any lose documents found in the office should be referred back to the DOTS Section for safe keeping. It will be the responsibility of the Conveyancers/ Examiners to check at the DOTS Section, should they determine that some of the documents are missing from the cover.

8. A caveat should be noted by the Examiner or the relevant Section indicating that the office copy has been endorsed and issued free of charge, exempting the client from advertising and office fees.

9. Registrar's Circular 25/2015 and 2/2016 are hereby withdrawn.

REGISTRAR OF DEEDS
PRETORIA
DATE: 19/09/2023