

REGULATIONS IN TERMS OF THE DEEDS REGISTRIES ACT 47 OF 1937

REGISTRATION OF DEEDS

Published in GN R474 Gazette 466 of 29 March 1963

as amended by

GN R557 Gazette 485 of 26 April 1963

GN R1251 Gazette 876 of 14 August 1964

GN R2142 Gazette 988 of 31 December 1964

GN R493 Gazette 1078 of 2 April 1965

GN R1105 Gazette 1485 of 8 July 1966

GN R1077 Gazette 2451 of 27 June 1969

GN R1167 Gazette 2483 of 11 July 1969

GN R437 Gazette 3815 of 23 March 1973

GN R2578 Gazette 6261 of 29 December 1978

GN R127 Gazette 6287 of 26 January 1979

GN R1141 Gazette 7051 of 30 May 1980

GN R359 Gazette 8054 of February 1982

GN R692 Gazette 8149 of 8 April 1982

GN R179 Gazette 8531 of 28 January 1983

GN R1892 Gazette 8858 of 26 August 1983

GN R628 Gazette 9142 of 30 March 1984

GN R1195 Gazette 9760 of 30 May 1985

GN R1374 Gazette 9807 of 28 June 1985

GN R1653 Gazette 10378 of 8 August 1986

GN R2191 Gazette 10494 of 24 October 1986

GN R2825 Gazette 12225 of 22 December 1989

GN R203 Gazette 13007 of 8 February 1991

GN R1698 Gazette 13424 of 26 July 1991

GN R1225 Gazette 14953 of 9 July 1933

GN R1403 Gazette 15035 of 6 August 1993

GN R1658 Gazette 15990 of 30 September 1994, as corrected by General Notice 1128 in Gazette 16018 of 14 October 1994

GN R184 Gazette 16254 of 10 February 1995, as corrected by General Notice 360 in Gazette 16404 of 12 May 1995

GN R184 Gazette 16254 of 10 February 1995, as corrected by General Notice 360 in Gazette 16404 of 12 May 1995, as corrected by General Notice 438 in Gazette 16439 of 2 June 1995

GN R330 Gazette 17000 of 22 February 1996

GN R740 Gazette 18924 of 22 May 1998

GN R762 Gazette 18939 of 5 June 1998

GN R906 Gazette 19039 of 3 July 1998

GN R204 Gazette 19757 of 19 February 1999

see also

(Regulations relating to the registration of leasehold rights the end of the regulations in terms of the Deeds Registries Act promulgated under GN R109 Gazette 11677 of 27 January 1989)

Notes:

1. Regulation 15 (h) of GN R1892 of 26 August 1983 provides for the amendment of the Forms as follows: '[by] the substitution for the expressions 'No. of Deed' and 'Date',

wherever they appear in the forms, of the expressions 'serial number' and 'year', respectively'.

2. Section 24 of the Deeds Registries Amendment Act 27 of 1982 provides as follows:

'24 (1) The principal Act is hereby amended by the substitution for the expression 'registrar of Rand Townships' and 'Rand Townships registrar', wherever they occur, of the expression 'registrar at Johannesburg ', and for the expressions 'Rand Townships registration office at Johannesburg' and 'Rand Townships registration office', wherever they occur, of the expression 'deeds registry at Johannesburg'.

(2) A reference in any other law or document to an assistant registrar, deputy registrar or registrar of Rand Townships, or the Rand Townships registration office, shall be deemed to be a reference to an assistant registrar, a deputy registrar or registrar of deeds of the registration office at Johannesburg, and to the registration office at Johannesburg, respectively, referred to in sections 1 and 2 of the principal Act as amended by sections 1 and 2 of this Act.'

The State President has been pleased to approve, in terms of subsection (11) of section nine of the Deeds Registries Act, 1937 (Act 47 of 1937) of the subjoined regulations made by the Deeds Registries Regulations Board in terms of section ten of the said Act with effect from 1 May 1963.

Regulations (reg 1)

1 The regulations published in Government Notices 1265 of 29 July 1938, as amended by Government Notices 1045 of 21 May 1984, 2758 of 26 October 1951, 740 of 15 April 1954, 314 of 24 February 1956, 682 of 10 May 1957, 1741 of 23 October 1959 and 1306 of 29 December 1961, are hereby repealed.

Definitions (regs 2-4)

2 In these regulations the expression 'the Act' shall mean Act 47 of 1937 and any amendment thereof.

3 The expression 'duly witnessed' shall for the purpose of these regulations mean attested as provided in section ninety-five of the Act.

4 The expression 'administrative district' shall have the following meanings:

(a) In regard to any province referred to in section 103 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), as amended from time to time:

(a) a registration division as referred to in regulation 6; or, if that is not applicable,

(b) a district or administrative district, the boundaries as existed immediately before the coming into operation of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993); or, if that is not applicable either,

(c) as determined by the regulation board from time to time in consultation with the Chief Registrar of Deeds and Chief Surveyor-General;

and published in the Gazette.

[Para. (a) substituted by GN R762 of 5 June 1996.]

(b) in regard to the land of the beach, the sea bed and the continental shelf of any province contiguous to the sea, a registration as referred to in regulation 6;

[Regulation 4 amended by GN R628 of 30 March 1984, substituted by GN R1195 of 30 May 1985, amended by GN R1374 of 28 June 1985 and substituted by GN R184 of 10 February 1995.]

Deputy and Assistant Registrars (reg 5)

5 Every Deputy Registrar and every Assistant Registrar shall have power to do any act or thing which may lawfully be done by the Registrar-

(1) when so required to act by the Registrar whether the latter be present or not, and such Deputy Registrar and Assistant Registrar may act in any matters assigned to him for disposal by the Registrar while the latter shall be acting in other matters: Provided that if objection is taken to any decision of a Deputy Registrar or an Assistant Registrar, when acting by virtue of this sub-regulation, there shall be an appeal to the Registrar, who shall have the power, of he sees fit, to vary or set aside such decision;

(2) during the absence of the Registrar for any period not exceeding six weeks on leave, duty or from illness or other unavoidable cause.

[Regulation 5 substituted by GN R1105 of 8 July 1966.]

Registration Divisions and Numbering of Units (regs 6-10)

6 The 'degree squares' formed by the lines of latitude and longitude crossing the area served by the registry shall constitute registration divisions: Provided that such registration division shall follow the boundaries of the farm units whose greater area lies within the degree square forming such division: Provided further that where a township in respect of

which a register in terms of section 46 has not yet been opened, is situated partly in one such registration division and partly in another such registration division, such township is deemed to be situated in that registration division in which the greatest area of the said township is situated: Provided further that when the area of such a township indicated on a general plan, falls within the boundaries of more than one registration division, the boundaries of any such registration division or divisions is determined by the Registrar of Deeds and the Surveyor-General concerned, for the purpose of an administrative district, in such a manner that the whole of the township falls within one registration division.

[Regulation 6 substituted by GN R1195 of 30 May 1985 and amended by GN R1374 of 28 June 1985 and substituted by GN R184 of 10 February 1995 (as corrected by General Notice 360 of 12 May 1995).]

7 The farm units falling within the limits of a registration division shall be numbered in numerical progression throughout the degree square generally from west to east and east to west alternately, in quarter degree squares commencing at the north-west corner of each quarter degree square: Provided that, in the Cape, Natal and Orange Free State Provinces, if deemed advisable by the Registrar of Deeds and the Surveyor-General concerned, the numbering of farm units may be confined within the limits of an administrative district instead of a registration division.

8 For the purpose of identifying erven, settlement holdings of lots (hereinafter called allotment units), it shall be duty of the Registrar, in consultation with the Surveyor-General, to-

(i) determine, if necessary, the limits of an area (hereinafter referred to as an allotment area) in which the registration of allotment units shall be confined to a single register or set of registers;

(ii) assign, where deemed necessary, a distinctive number to each allotment unit situate within an allotment area:

Provided that the local authority may be consulted before the limits of an allotment area are determined.

9 (1) The portions into which farms or allotment units may be divided shall be numbered consecutively, whether directly from the parent piece or indirectly through an intermediate portion, provided that-

(i) portions already numbered or lettered, and for which title deeds have been registered, need not be renumbered, but portions hereafter surveyed for the purpose of registration of title, shall follow in numerical progression thereafter, and the diagrams thereof shall disclose the parent portion;

(ii) upon subdivision of any piece of land in an alignment area, it shall be permissible to assign a new unit number to such subdivision.

(2) where two or more portions of a farm unit or of an allotment unit are consolidated into one the resulting piece of land shall receive the next consecutive number as of it were a new portion.

(3) Where two or more farm units or two or more allotment units are consolidated into one the resulting piece of land shall receive a new number.

(4) Where a portion of a farm unit and a whole such unit or a portion of an allotment unit and a whole such unit are consolidated into one the resulting piece of land shall receive a new number.

(5) Where two or more portions of different allotment units or of different farms are consolidated into one the resulting piece of land shall receive the next suitable available number of the allotment area or registration division and where no such number is available ,shall receive a new number in such allotment area or registration division: Provided that, should it be found necessary to depart from the rules prescribed in sub-regulations (2) to (5) hereof, the Registrar may, after consultation with the Surveyor-General, authorize such departure.

10 After the numbering of allotment units has been completed within an allotment area as prescribed in regulation 8, the Registrar shall take whatever steps may be necessary-

(i) to compile a register or a set of registers for such allotment area;

(ii) to identify the allotment units with land held under any title deeds;

(iii) to endorse such title deeds that the land comprises or corresponds with the respective unit and is now registered in the relative register under its registration number.

Registers and Index (regs 11-17)

11

[Regulation 11 amended by GN R1077 of 27 June 1969 and repealed by GN R 359 of 26 February 1982.]

12

[Regulation 12 amended by GN R1077 of 27 June 1969 and repealed by GN R359 of 26 February 1982.]

13

[Regulation 13 deleted by GN R1077 of 27 June 1969.]

14

[Regulation 14 substituted by GN R493 of 2 April 1965 and repealed by GN R359 of 26 February 1982.]

15

[Regulation 15 repealed by GN R359 of 26 February 1982.]

16 Each Registrar shall keep a Register of Conveyancers.

17

[Regulation 17 amended by GN R493 of 2 April 1965 and by GN R1077 of 27 June 1969 and repealed by GN R359 of 26 February 1982.]

Identity of Persons (regs 18-19)

18 (1) The identity of a person shall be established-

(a) in the case of a natural person:

(i) by means of his full names and the identity number reflected in the identity document issued to him by the responsible Government authority in the Republic;

(ii) if a person's date of birth is not reflected in the identity number or is erroneously reflected therein, by means of his full names, date of birth and identity number;

(iii) if no such document has been issued, by means of his full names and date of birth; or

(iv) in the case of a person to whom an identity document has not been issued and whose date of birth is not known, by means of a method approved of by the Registrar; and

[Para (a) substituted by GN R1653 of 8 August 1986 and by GN R184 of 10 February 1995.]

(b) in the case of any other person, by means of the name and the registered number, if any, of such person.

[Subregulation (1) amended by GN R1892 of 26 August 1983.]

(2) The name of a person referred to in subregulation (1) and the relevant identity number, date of birth or registered number, as the case may be, of such person shall be recorded in the relevant records of the Deeds Registry: Provided that the fact that no identity document has been issued to a natural person, shall be established by means of an affidavit signed by such natural person or by means of a certificate signed by a conveyancer based on information obtained from such natural person: Provided further that the provisions of subregulation (1) shall not apply to any consent or application relating to a registered deed granted by a person being a party to that deed if the deed does not disclose his identity number, or date of birth, or registered number, as the case may be.

[Subregulation (2) substituted by GN R184 of 10 February 1995.]

(3) The Registrar concerned shall rectify any error made in connection with an entry or note of the identity number, or the date of birth, or registered number, as the case may be, of any person appearing in his Registry upon proof to his satisfaction that an error has been made.

[Regulation 18 amended by GN R493 of 2 April 1965 and by GN R1077 of 27 June 1969 and substituted by GN R359 of 26 February 1982.]

19 A Registrar shall have authority in connection with any deed or document tendered for execution, registration or record to call for evidence to establish the identity or non-identity of any party thereto with any person whose name appears in any register kept in his Registry.

Preparation of Deeds and Documents and Qualification of Persons (regs 20-44A)

20 (1) Deeds and other documents lodged for execution, registration or record shall be on paper approved by the Registrar and shall be in clear writing, print or type, of good quality: Provided that, in the discretion of the Registrar, a reproduction of a printed or typed folio, reproduced by a method of reproducing print or type, may be used for such document.

(2) The upper half of the first page of a deed shall not be used for writing, typing, printing or any other purpose, but shall be reserved for the purpose of Deeds Registry endorsements and a margin of at least four centimetres shall be allowed on all pages of a deed for binding purposes.

(3) No carbon copy of any document shall be accepted for the purpose of being filed in a Deeds Registry.

(4) Ink of a durable quality and of a colour density approved by the Registrar shall be used for the purpose of a signature or an initial on a document, and material alterations to or interlineations in a document shall be authenticated by the initials of the person signing the document and by the person attesting his signature. If, however, an alteration or interlineation is attested by a person other than the original attestor, such person shall attach his signature.

(5) If any signature to a document is written across a stamp, or with other than ink of a durable quality and of the approved colour density, or encroaches on the margin, the Registrar may decline to allow it to be used for the purpose intended.

(6) All alterations and interlineations shall, in the case of a deed attested by a notary, be initialled also by such notary.

(7) Notwithstanding anything in this regulation contained, the Registrar may in his discretion accept for record any copy of a document which is filed of record in any Government office: Provided that such copy has been certified to be a true copy by or on behalf of the head of such office or by a conveyancer or by a notary public: Provided further that in the case of a diagram it has been certified by the Surveyor-General, and in the case of a will, codicil or other testamentary document it has been certified a true copy by the Master.

[Subregulation (7) substituted by GN R184 of 10 February 1995.]

(8) Any of the provisions of this regulation may be relaxed by the Registrar at his discretion.

[Regulation 20 substituted by GN R359 of 26 February 1982.]

21

[Regulation 21 repealed by GN R359 of 26 February 1982.]

22 Any spaces in a deed which have been used shall be ruled through and where a deed comprises more than one page each page shall be numbered consecutively.

[Regulation 22 substituted by GN R1195 of 30 May 1985.]

23 If, in the opinion of the Registrar, the writing, typing, or printing in any deed, power, or other document lodged for attestation, execution or registration or for any other purpose, is, owing to the faintness thereof, not calculated to secure durability, he may decline to attest, execute, register, or accept it, as the case may be.

24 (1) Deeds, powers, and other documents shall-

(a) in the case of a natural person, excepting any such natural person who is acting in, or is appointed to act in a representative capacity, contain the full names, and either the official identity number and or date of birth of the natural person named therein; and

[Para. (a) substituted by GN R184 of 10 February 1995.]

(b) in the case of any other person, contain the full name and registered number, if any, of such person:

Provided that any provisions of this subregulation may be relaxed by the Registrar in special circumstances at his discretion.

[Subregulation (1) substituted by GN R359 of 26 February 1982.]

(2) An addition of an 'alias' to the description of any person by or to whom a deed lodged for execution or attestation in a Deeds Registry is to be passed shall not be permitted, and, if any such addition has been made in any other deed or power, or other document lodged for registration, the correct name only shall be recognized for the purpose of such registration.

(3) Deeds, powers, and other documents if executed outside the Republic and expressed in a foreign language may, at the discretion of the Registrar, be accepted for registration or record if a translation duly certified by a person admitted to practise as a sworn translator in any province of the Republic is lodged therewith: Provided that there be no sworn translator of any foreign language readily available the Registrar may in his discretion accept a translation made under oath by such other person as he may approve.

25 Every deed and document executed in or lodged for registration or record in a Deeds Registry shall disclose the place and date of execution thereof.

26 Every deed of title to land for which no form is prescribed and every deed for which a form is prescribed wherein provision is made for the inclusion of an extending clause in conformity with these regulations, shall immediately after the description of the property contain an extending clause substantially in the form of the applicable prescribed Form TT or UU.

[Regulation 26 amended by GN R493 of 2 April 1965 and substituted by GN R359 of 26 February 1982.]

27 (1) Where a deed conferring title to land includes more than one property, each piece of land shall be described in a separate paragraph, which shall be numbered, and each paragraph shall conform to the provisions of the preceding regulation. A separate registration clause must, if required by the Registrar, be inserted at the end of the deed in respect of each piece of land, which clause shall bear a number corresponding to the number of the paragraph in which the land is described.

(2) When two or more pieces of land are shown as separate figures in a single diagram each piece shall be described in the relevant deed in a separate paragraph, and may thereafter be transferred independently only upon the production of a further diagram thereof.

(3) Notwithstanding any practice to the contrary in any Deeds Registry, it shall not be necessary, where separate diagrams of two or more pieces of land are annexed to one and the same deed of transfer and transfer is sought of any of such pieces, to procure from the Surveyor-General a copy of the diagram thereof for the purpose of annexure to the new transfer.

28 (1) In any deed wherein land is described, the following particulars shall be quoted:

(a) The name of the registration division, administrative district and province in which such land is situated, or, in the case of land situated in a township, the registration division concerned, administrative district, the name of such township and the province: and

[Para. (a) substituted by GN R184 of 10 February 1995.]

(b) the registered number (if any) of such land.

[Subregulation (1) substituted by GN R359 of 26 February 1982.]

(2) In describing land no reference shall be made in a deed conferring title to land or any interest therein, or in a mortgage bond, to any building or other property, movable or immovable, which may be on or attached to the land.

[Subregulation (2) amended by GN R493 of 2 April 1965.]

(3) When the description of the situation of land in an existing deed is defective or insufficient, and it is desired in connection with a further transfer of such land to amend the same, the Registrar may, subject, if he thinks necessary, to the production of a certificate from the surveyor-General, permit such amendment to be made.

(4) It shall not be necessary to repeat the description (if any) of the boundaries mentioned in a diagram, provided that a suitable reference to such diagram is made in the relevant deed.

29 In the description of land conveyed or hypothecated in a deed or bond the extent thereof shall be expressed in words and figures.

30 In the description of immovable property the term 'share' shall be employed when an undivided share in a piece of immovable property is being dealt with, and such share shall be expressed in one fraction in its lowest term, the method of arriving at the result being also given in complicated cases: Provided that when the denominator of the fraction exceeds two figures, the fraction shall be expressed as a six figure decimal.

[Regulation 30 amended by GN R493 of 2 April 1965 and substituted by GN R762 of 5 June 1998.]

31 (1) If land to be transferred or hypothecated is held by several deeds the Registrar may require the conveyancer to furnish a statement containing particulars regarding the different fractional shares and describing in complicated cases the method by which the result was arrived at, and also, where there are two or more owners, to indicate in such statement the shares held by each. If the land is one of several pieces described in a transfer deed or mortgage bond the conveyancer shall furnish a reference to the paragraph therein which relates to such land.

(2) Where possible, in transferring a share in land from two or more titles under which shares are held one or more titles shall be exhausted.

32 No portion of any piece of land shall, save as by the Act provided, be transferred except upon a diagram thereof.

32bis When a piece of land has been separated into two or more parts by the deduction of one or more intervening portion or portions thereof, such parts forming the remaining extent shall not be regarded as being separate pieces of land for the purpose of sections forty and forty-two of the Act.

[Regulation 32bis substituted by GN R184 of 10 February 1995.]

32ter Simultaneously with the opening of a register pertaining to land represented on a general plan, the Registrar of Deeds shall register the plan by endorsing the relevant particulars thereof on the title deed.

[Regulation 32ter inserted by GN R762 of 5 June 1998.]

33 Where it is sought to transfer or cede immovable property to, or register mortgage bonds or notarial bonds in favour of persons who have not attained majority, such transfers,

cessions or bonds shall, subject to the provisions of section twenty-five of the Act, be made in the name of the minors and not in the name of their guardians, tutors or curators as the case may be.

34 (1) All deeds or documents executed by or on behalf or in favour of persons carrying on business as a firm or a partnership, or to which a firm may be a party, as also any power lodged or required in connection with such deeds or documents, must contain the full names of the partners constituting the firm.

(2) When property is registered in the name of persons carrying on business as a firm or a partnership it may, so long as the firm consists of the same partners, be transferred, hypothecated, or otherwise dealt with, as the case may be, on a power bearing the signature of the firm and of the partner who affixed the firm's signature.

(3) (a) If any partner in a firm wishes to transfer his share in any property of the firm to the remaining partners or to the remaining partners and some other person or persons, or to some other person or persons alone, to the end that such remaining partners either alone or together with such other person or persons, as the case may be, shall form a new partnership to hold such property, such transfer shall not be passed unless the whole of the property, and not merely the share of the disposing partner, be transferred or ceded to the new partnership, and the deed, power, or other document necessary for the purpose shall be signed by each of the partners of the original firm or by his duly authorized agent. In like manner if a new partner be admitted into a firm and if such new firm wishes to transfer or cede property taken over from the old firm such transfer or cession shall not be passed unless the said new firm has itself received transfer or cession of that property from the old firm.

(b) In the event of any property of a firm not being dealt with on dissolution in the manner described in paragraph (a), the deed, power or other document necessary for the transfer or cession to the partners thereof or such other persons to whom the same may have been disposed of, shall be signed by each of the individual partners or by his duly authorized agent.

(c) If, during the continuance of a partnership any member thereof desires to register any transaction other than an endorsement pursuant to section forty-five of the Act, affecting his share in any property registered in the name of the partnership, he shall not be permitted to do so until transfer has been passed to such member of the share to which he is entitled.

(d) Where a partner is deceased and the deed of partnership provides that the partnership shall not be terminated by reason of his death but that his share in such partnership shall be administered by an administrator, it shall be competent for a Registrar to endorse the title deed of any immovable property held by such partnership to the effect that the share of such deceased partner in such partnership shall be administered in terms of section sixty-one of Act 24 of 1913.

(4) When land has been sold by or to a firm or partnership the transfer duty receipt issued in respect of the sale shall disclose the names of the members thereof.

35 (1) The following procedure shall be observed in the preparation of deeds conferring title to land in regard to the conditions to which such land is or may be subject:

(a) Where it appears from the deed produced to the Registrar that the land is subject to special conditions limiting the rights of the owner such conditions shall be repeated in every subsequent deed conferring title to such land, and where necessary be referred to as mentioned in the deed whereby they were created.

(b) Where it appears from the deed produced to the Registrar that the land is subject to conditions other than those specified in paragraph (a) they shall, if the Registrar so requires, be repeated, otherwise they shall be specially referred to as mentioned in such deed, and their character be described in general terms.

(c) Where the deed produced to the Registrar is not a grant from the State and contains a general reference to conditions in a prior title-deed by which the land was held, every subsequent deed conferring title to such land shall be made subject also to such conditions as are referred to in the deed produced.

(d) Where the deed produced to the Registrar is a grant or transfer from the State comprising land acquired by purchase or otherwise, and such grant contains a general or specific reference to the conditions contained in the deed by which the land was conveyed to the State, the provisions of paragraphs (a), (b) and (c) shall apply.

(e) In any subsequent deed relating to land in connection with which the provisions of paragraphs (a), (b) and (c), or any of them, have been applied, such deed shall follow substantially the preceding deed in its reference to the conditions and omit in this connection any mention of the preceding deed until such time as the land is made subject to further conditions, in which case such further conditions shall also be mentioned or specially referred to in the manner prescribed in such paragraphs.

(f) In every deed conferring title to land the rights of the State shall be expressly reserved.

(g) The serial number and year (if any) of every deed to which reference is made in connection with conditions shall be quoted. Provided that the provisions of this sub-regulation may be relaxed by the Registrar in special circumstances in his discretion.

[Para (g) amended by GN R1892 of 26 August 1983.]

(h) Should the provisions of this regulation not be applicable, the decision of the Registrar in regard to the procedure to be followed shall be observed.

(2) Conditions should be inserted in deeds in the official language in which they were constituted, provided that where any conditions are embodied in a registered deed in the other official language, such language may be perpetuated in subsequent deeds.

(3) Where it appears from a deed that an owner of land has acquired any right of servitude over other land, such right should also be specially referred to or mentioned and described in every deed conferring title to the first-mentioned land.

(4) If a deed lodged for execution or registration reserves or grants an interest described as a life interest, except when such interest is created by will, the nature thereof shall be disclosed in such deed and in the relative power, if any.

(5) Conditions must, as far as practicable, be embodied in the title-deed and appear immediately after the extending clause, and only in exceptional circumstances may they be contained in an annexure.

(6) No condition shall be included in any deed or bond which purports to impose upon a Registrar any duty or obligation not sanctioned by law.

(7) If a deed conferring title to land contains conditions which operate pending the establishment of a local authority and a local authority has been established, all such conditions shall be omitted from any subsequent deed conferring title to such land: Provided that no such conditions shall be omitted unless it is clear from the wording thereof that such conditions lapse on the establishment of a local authority.

[Subregulation (7) inserted by GN R493 of 2 April 1965.]

36

[Regulation 36 repealed by GN R184 of 10 February 1995.]

37 Where in the circumstances contained in the proviso to sub-section (4) of section fifty-eight of the Act, it is necessary to pass transfer to the rehabilitated insolvent such transfer may be passed upon a power of attorney signed by the Master.

38 A certificate of rights to minerals in respect of the remainder of a township or settlement in terms of section seventy-one of the Act shall be issued only on written application of the owner of such remainder or his duly authorized agent.

39 (1) The authority for the performance of the following acts of registration in relation to a mortgage or notarial bond:

(a) The cancellation thereof;

(b) the release therefrom of property or the property and person of a joint debtor or a surety;

(c) the noting of a part-payment in respect of the capital due thereunder;

(d) the noting of a reduction of the cover afforded thereby;

- (e) the waiver of preference of the security hypothecated in favour of another bond;
- (f) the cession thereof;
- (g) the cancellation of a cession thereof made as security;
- (h) the substitution of another person as debtor thereunder;
- (i) the noting of an agreement varying the terms thereof;
- (j) the substitution of other land for the land hypothecated pursuant to section 40 (5) (a) of the Act,

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 mortgager or by his or their duly authorised agent, and shall be signed and duly witnessed: Provided that where the consent of a co-mortgager 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 and disclose the full names (and in the case of a woman, her marital status) of the legal holder of the bond and of any other consenting party.

[Subregulation (1) amended by GN R1892 of 26 August 1983.]

(2) The authority for the performance of an act of registration referred to in subregulation (1) shall be retained by the Registrar: Provided that an authority referred to in paragraphs (e) to (j) of subregulation (1) shall be in duplicate and the duplicate copy thereof shall be annexed to the holder's copy of the bond: Provided further that if a duplicate of an authority is not available, a copy thereof certified by a notary or conveyancer shall be annexed to the holder's copy of the bond.

(3) Not more than one bond may be included in any authority for the acts of registration referred to in subregulation (1).

(4) The provisions of subregulations (1), (2) and (3) shall apply mutatis mutandis in respect of an authority for the cancellation of a registered prospecting contract.

[Regulation 39 amended by GN R493 of 2 April 1965 and substituted by GN R359 of 26 February 1982.]

40

[Regulation 40 amended by GN R493 of 2 April 1965 and repealed by GN R359 of 26 February 1982.]

41 (1) Where it is sought to mortgage land held under special conditions limiting the rights of the owner the Registrar may require those conditions to be set out in the bond or a suitable reference made thereto.

(2) Every mortgage bond shall contain a full and clear description of the property to be hypothecated, including the extent thereof, and when two or more properties are to be hypothecated each property shall be described in a separate paragraph. The number (comprising the serial and year number), if any, of the deed by which the property is held shall also be quoted in each paragraph: Provided that where more than one property is held by one and the same deed such number of the deed may be quoted after the description of the last of such properties.

[Subregulation (2) substituted by GN R359 of 26 February 1982.]

(3) When bonds are lodged for the purpose of noting any part payment or reduction of cover thereon such part payment or reduction of cover need not be noted on the title deed of the property affected.

(4) The deed of cession of a bond shall set forth the causa of such cession.

(5)

[Subregulation (5) deleted by GN R359 of 26 February 1982.]

(6) Where the cession of a bond has, prior to the coming into force of these regulations, been endorsed upon such bond a Registrar may accept for filing a duplicate original of the cession or an acknowledgement of such cession, in terms approved by him, signed by the cedent and duly witnessed, or a notarially certified copy of such cession.

(7) Any waiver of preference in respect of a registered real right in land (including rights mentioned in section sixty-six of the Act which may be contingent) to or in favour of a registered or registrable mortgage bond shall, if such bond has been registered, be contained in a notarial deed, and if such bond has not been registered be contained in a notarial deed or in such bond as the owner of such right may elect. Every waiver registered in terms hereof shall be duly noted on the owner's title to such right, and in the case of a registered bond on such bond.

[Subregulation (7) substituted by GN R762 of 5 June 1998.]

(8) When a notarial bond, which has been registered in more than one Deeds Registry, has been cancelled in any such Registry, a copy of the consent lodged for the purposes of such cancellation certified by the Registrar thereof may be accepted in any other Registry in lieu of an original consent.

42 The consent of the legal holder of any bond referred to in section twenty-seven of the Act shall be furnished in duplicate. Should a duplicate not have been furnished, a Registrar may accept a copy certified by a conveyancer or notary. The original shall be retained by the Registrar and the duplicate or copy shall be annexed to the bond.

43 (1) Every deed of transfer, certificate conferring title to immovable property, deed of cession referred to in section 32 of the Act or mortgage bond shall be prepared by a conveyancer, who shall make and sign a certificate in the undermentioned form in the upper right hand corner on the first page of the document concerned:

Prepared by me

.....

CONVEYANCER

.....

(State surname and initials in block letters.)

(2) A conveyancer who prepares a deed of transfer, certificate, deed of cession or mortgage bond referred to in subregulation (1) shall initial personally all alterations or interlineations in such deed of transfer, certificate, deed of cession or mortgage bond and also every page thereof not requiring his signature if such deed of transfer, certificate, deed of cession or mortgage bond is written on separate sheets, and no such deed of transfer, certificate, deed of cession or mortgage bond shall be accepted for execution or registration if it does not bear such certificate and is not so initialled: Provided, however, that in the case of a deed of transfer or mortgage bond where an alteration or interlineation does not, in the opinion of the Registrar, require initialling by the conveyancer who prepared such deed of transfer or mortgage bond, such alteration or interlineation shall be initialled by the conveyancer executing such deed of transfer or mortgage bond.

(3) The provisions of subregulations (1) and (2), and regulation 44 shall not apply in respect of the first issue of a certificate of title of a lot in terms of the Black Communities Development Act, 1984 (Act 4 of 1984).

[Subregulation (3) added by GN R1195 of 30 May 1985.]

[Regulation 43 substituted by GN R1077 of 27 June 1969 and by GN R1892 of 26 August 1983.]

44 (1) Subject to the provisions of subregulation (3), any power of attorney, application or consent required for the performance of an act of registration in a Deeds Registry and any agreement of partition referred to in section 26 of the Act executed after the coming into operation of this regulation and tendered for registration or filing of record in a Deeds

Registry, shall be prepared by a practising attorney (not necessarily practising in the province in which such Deeds Registry is situate), notary or conveyancer, who shall make and sign a certificate in the undermentioned form in the upper right hand corner on the first page of the document concerned:

Prepared by me

.....

ATTORNEY/NOTARY/CONVEYANCER

(Use whichever is applicable.)

.....

(State surname and initials in block letters.)

(2) Subject to the provisions of subregulation (3), any material alteration or interlineation in any power of attorney, application, consent or agreement of partition referred to in subregulation (1) shall be initialled by the attorney, notary or conveyancer who prepared such document.

(3) Notwithstanding the provisions of subregulations (1) and (2), a Registrar may in his discretion waive compliance with this regulation in respect of a power of attorney, application, consent or agreement of partition executed outside the Republic or in respect of a power of attorney, application, consent or agreement of partition not provided for by the Act or the Regulations.

(4) The provisions of subregulations (1) and (2) shall not prevent any attorney, notary or conveyancer in the employ of the State from preparing, in the course of his employment, any document therein mentioned which is required for the performance of any function to be performed in the department in which he is employed.

(5) When a certificate referred to in subregulation (1) is signed by an attorney or notary, the fact that the signatory is a practising attorney or notary shall be confirmed by a practising conveyancer, who shall countersign the certificate by making and signing the following certificate thereon:

Countersigned by me

.....

CONVEYANCER

.....

(State surname and initials in block letters.)

[Regulation 44 amended by GN R493 of 2 April 1965 and substituted by GN R359 of 26 February 1982 and by GN R1892 of 26 August 1983.]

44A The person signing the preparation certificates prescribed by regulations 43 and 44 (1) of the Regulations accepts, in terms of section 15A (1) and (2) of the Act, to the extent provided for in this regulation, responsibility for the correctness of the undermentioned facts stated in the deeds or documents concerned or which are relevant in connection with the registration or filing thereof, namely:

(a) That all copies of the deeds or documents intended for execution and/or registration are identical at the date of lodgment;

(b) that, in the case of a deed of transfer or certificate of title to land, all the applicable conditions of title contained in or endorsed upon the owner's copy of the title deed, together with any applicable proclaimed township conditions have been correctly brought forward in that deed of transfer or certificate of title to land;

[Para. (b) substituted by GN R1195 of 30 May 1985 and amended by GN R1374 of 28 June 1985.]

(c) that, in the case of a document referred to in regulation 44 (1) being signed by any person in his capacity as a principal or representative appointed or recognised as such under or in terms of any act or court order including but not limited to an executor, trustee, tutor, curator, liquidator or judicial manager from perusal of the documents evidencing such appointment exhibited to him, such person has in fact been appointed in that capacity and is acting therein in accordance with the powers granted to him and that any security required has been furnished to the Master.

[Para. (c) substituted by GN R184 of 10 February 1995 and by GN R762 of 5 June 1998.]

(d) that, to the best of his knowledge and belief and after due enquiry has been made-

(i) (aa) the names, identity number or date of birth and marital status of any natural person being a party to a deed or document and in the case of any other person or a trust, its name and registered number, if any, are correctly reflected in that deed or document;

(bb)

[Item. (bb) deleted by GN R184 of 10 February 1995.]

[Sub-para. (i) substituted by GN R1653 of 8 August 1986 and by GN R2191 of 24 October 1986.]

(ii) in the case of a document referred to in regulation 44 (1)-

(aa) subject to the provisions of regulation 65, the necessary authority has been obtained for the signing of such document in a representative capacity on behalf of a company, close corporation, church, association, society, trust or other body of persons or an institution whether created by statute or otherwise;

[Item (aa) substituted by GN R184 of 10 February 1995 and by GN R762 of 5 June 1998.]

(bb) the transaction as disclosed therein is authorized by and in accordance with the constitution, regulations, or founding statement or trust instrument of a trust, as the case may be, of any church, association, close corporation, society, trust, or other body of persons, or any institution (whether created by statute or otherwise) other than a company, except a share block company as defined in the Share Blocks Control Act, 1980 (Act 59 of 1980), being a party to such document;

[Item (bb) substituted by GN R1195 of 30 May 1985, by GN R184 of 10 February 1995 and by GN R762 of 5 June 1998.]

(cc)

[Item (cc) added by GN R1195 of 30 May 1985 and deleted by GN R184 of 10 February 1995.]

(e) that, in the case where a conveyancer is signing the preparation certificate on a deed of transfer, certificate of title conferring title to immovable property or a mortgage bond, he shall accept responsibility that the particulars in the deed mentioned in paragraph (d) (i), have been brought forward correctly from the special power of attorney or application relating thereto.

[Regulation 44A inserted by GN R1892 of 26 August 1983.]

Lodgment and Execution of Deeds (regs 45-64)

45 (1) All deeds, bonds, documents and powers of attorney proper for execution or registration, as the case may be, shall be lodged for examination by a conveyancer practising at the seat of the Deeds Registry or by a person employed by such conveyancer, in covers with the receiving clerk (who shall note thereon the date of lodgement), on working days between the hours that the Registrar shall determine: Provided that a notary practising at the seat of the Deeds Registry or a person employed by such notary may lodge notarial deeds: Provided further that any document lodged on behalf of a Government department or Development Board may be lodged by any person in the employ of the department or Development Board concerned, even though that person is not a notary or conveyancer, or where such Government department or Development Board does not have an office at the seat of the relevant Deeds Registry, in the manner approved by the Registrar.

[Subregulation (1) substituted by GN R359 of 26 February 1982, by GN R1195 of 30 May 1985 and by GN R2191 of 24 October 1986.]

(2) Powers of attorney shall be lodged singly, and all other deeds described in the preceding subregulation shall be lodged in duplicate, for execution or attestation by the Registrar.

[Subregulation (2) amended by GN R493 of 2 April 1965 and substituted by GN R1167 of 11 July 1969 and by GN R184 of 10 February 1995.]

(2A) Where a procedure has been adopted in a Deeds Registry of filing of record in the form of a microfilm reproduction of any type of deed or document it shall notwithstanding anything to the contrary in the Regulations not be necessary to lodge a duplicate copy of such deed or document for filing of record in that Deeds Registry, and upon registration of such deed or document shall be deemed to be the copy filed of record in that Deeds Registry until such time as the microfilm reproduction of the deed is filed of record in lieu thereof: Provided that the aforesaid procedure shall not be applied in a Deeds Registry until the Chief Registrar of Deeds has instructed the Registrar of that office to do so.

[Subregulation (2A) inserted by GN R359 of 26 February 1982 and substituted by GN R1653 of 8 August 1986.]

(3) On the expiration of either five or six working days, as the Registrar may determine, after such lodgment and between such hours as the Registrar may in his discretion fix, all deeds proper for execution before the Registrar or registration by the Registrar, and to the execution or registration of which no objection exists, shall be executed before the Registrar or registered by the Registrar, but the Registrar shall have discretion to permit deeds to be executed or registered before the time or expiration of the period determined by him and also to reject deeds not executed or registered within such time or period.

[Subregulation (3) substituted by GN R359 of 26 February 1982.]

(4) In the event of two or more mortgage bonds being passed on the same day by one and the same mortgagor over the same property, the Registrar shall, if each bond does not disclose the order in which it is to rank, note on each the exact time at which he affixed his signature thereto.

(5) Deeds lodged for execution or registration and to the execution or registration of which any objection exists shall, if circumstances permit, be rejected not later than five working days after lodgment.

[Subregulation (5) substituted by GN R359 of 26 February 1982.]

(6)

[Subregulation (6) deleted by GN R359 of 26 February 1982.]

(7) Although a deed is to be fully examined in the first instance, if a defect of such a nature as to justify rejection is discovered in connection with any deed or other document lodged for execution or registration, the Registrar shall have power to direct that the further examination of the deed shall be postponed until the defect has been cured and to reject such deed in the ordinary course.

46 When lodging documents required for registering the transactions referred to in section five of the Act, there shall be produced such additional copies as shall be required for transmission to the other Deeds Registries affected. The additional copies shall be transmitted by the Registrar effecting registration to the other Registries.

47 No cession of the balance due under any bond shall be registered until the amount paid in reduction thereof shall have been noted, nor may any bond other than a bond passed to secure future advances, part of the capital amount of which has been repaid be substituted under the provisions of sections forty-five and fifty-seven of the Act until the part payment shall have been noted.

[R47 amended by GN R493 of 2 April 1965.]

48 If a collateral bond or surety bond is lodged for execution in a Registry other than that in which the principal bond is registered, a copy of such principal bond, certified by the Registrar or the conveyancer lodging the collateral bond or surety bond, shall be lodged for filing with the registry duplicate of the collateral bond or surety bond. In the event of such collateral bond or surety bond being required to be executed simultaneously with the principal bond, a copy of the principal bond lodged with a Registrar shall be certified by him for filing as aforesaid and he shall advise the Registrar with whom the collateral bond or surety bond is lodged of the execution of the principal bond and such advice shall disclose any material amendments which may have been made in the principal bond since the issue of the copy aforesaid: Provided that in either case a copy need not be lodged for filing if such collateral bond or surety bond is drawn substantially in accordance with the form provided in the schedule of forms annexed to these regulations.

49 (1) Where application is made under the provisions of section forty-five of the Act there shall be produced, in addition to the title-deeds, lease under any law relating to land settlement and bonds, the undermentioned documents:

(a)

[Para. (a) deleted by GN R1892 of 26 August 1983.]

(b) Where transfer duty is payable, a receipt for such duty.

[Para. (b) amended by GN R1892 of 26 August 1983.]

(c) Where the property or bond was bequeathed to such survivor, a copy of the will, codicil or other testamentary document accepted and certified a true copy by the Master.

[Para. (c) substituted by GN R184 of 10 February 1995.]

(d)

[Para. (d) deleted by GN R184 of 10 February 1995.]

(e) Where action is taken under section fifty-one, fifty-three or fifty-seven of the Administration of Estates Act, 1913, or in terms of section thirty-eight of the Estates Act, 1965, a certificate or consent from the Master.

[Para. (e) amended by GN R493 of 2 April 1965 and substituted by GN R184 of 10 February 1995.]

(f) In circumstances where no consent or certificate by the Master is required, a certificate from a conveyancer that the liquidation account in the estate has lain for inspection, that no objection thereto has been received and that the endorsement to be made is in terms of the account.

[Para. (f) substituted by GN R184 of 10 February 1995.]

(g) Where such survivor is an heir in terms of section one of the Succession Act, 1934, or section one of the Intestate Succession Act, 1987 -

(i) proof that the deceased spouse left no valid will, and

(ii) proof of the balance of the estate for distribution by means of a certificate by the Master or a copy of the liquidation account.

[Para. (g) substituted by GN R184 of 10 February 1995.]

(h) When application is made for the endorsement of a lease under any law relating to land settlement, the consent of the Minister of Lands shall be produced to such endorsement.

(2) When a title deed is endorsed under section forty-five of the Act the Registrar shall make an appropriate note in the register affected.

50 (1) Where land is to be transferred in pursuance of the provisions of a will, codicil, or other testamentary document, an accepted and certified a true copy by the Master, of the will, codicil, or other testamentary document as the case may be, shall be lodged with the deed. The Registrar may also in the exercise of his discretion require any executor who seeks to transfer land belonging to the estate under his administration, to lodge an accepted and certified a true copy as aforesaid, of the will, codicil, or other testamentary instrument, and of the liquidation account in the estate. If, however, a copy is already lodged in the Deeds Registry, it will be sufficient if a note is made in either case on the deed indicating the number and the date of the deed with which such copy is filed.

[Subregulation (1) substituted by GN R184 of 10 February 1995.]

(2) Where land is sought to be transferred by an executor in pursuance of-

(a) the exception (b) to section twenty-one of the Act there shall be lodged with such transfer a certificate by the Master or the executor or a conveyancer that the land has been sold to pay the debts of the joint estate; or

(b) the exception (c) to section twenty-one of the Act there shall be lodged with such transfer a certificate by the Master or a conveyancer that the surviving spouse has adiated under the will whereby the joint estate is massed or a statement to that effect signed by the surviving spouse and duly witnessed;

(c) any of the exceptions to section twenty-one of the Act the deed of transfer shall indicate that the transfer is on behalf of the joint estate and that the joint estate is divested.

51 (1) Where it is sought to deal with immovable property, the title deed of such property, or a certified copy thereof issued to serve as an original, shall, save as provided in the Act and in sub-regulations (2) and (3) hereof, be produced and be mentioned in the deed dealing with such property. It shall, however, not be necessary, unless the Registrar so requires, to produce any deed by which the property was previously held, whether such deed be the diagram deed or any intermediate deed, nor shall the Registrar be required to endorse thereon any record of subsequent dealings with the property.

[Subregulation (1) amended by GN R493 of 2 April 1965.]

(2) Where immovable property is to be transferred or ceded in execution of the judgment of any competent court by the officer appointed by law, or by such court, it shall not be necessary to produce the title deed of such property or a certified copy issued in lieu thereof if such officer certifies in writing that he has been unable to obtain possession of such title deed or copy: Provided that where the duplicate original of such title deed filed of record in a Deeds Registry has been lost or destroyed it shall be necessary for such officer to obtain a certificate of registered title under the provisions of section thirty-eight of the Act, for which purpose such officer shall be regarded as the owner of the land: Provided further that in the case of a transfer of a immovable property by virtue of the second proviso of section 16, the above provisions shall not apply.

[Subregulation (2) amended by GN R359 of 26 February 1982 and substituted by GN R184 of 10 February 1995 (as corrected by General Notice 360 of 12 May 1995).]

(3) Transfers in terms of section fifty-five (2) (c) of Act 13 of 1944 may be passed without the production of the title deed of the property or a certified copy issued in lieu thereof, provided that the General Manager of the Land and Agricultural Bank of South Africa certifies in writing that he has been unable to obtain possession of such title deed or copy.

52 (1) Where, in the partition of land or rights to minerals, an undivided share in such land or rights to minerals 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 fifty-three of the Administration of Estates Act, 1913, on behalf of heirs or legatees, if there are such, unless

it can be proved to his satisfaction by documentary evidence that the partition was agreed upon during the lifetime of the testator.

(2) Where a partition of land is effected in terms of sub-section (7) of section twenty-six of the Act, the agreement to partition or the powers of attorney shall set out all the properties to be partitioned and the properties awarded to each partitioner. The deeds of partition transfer shall be executed simultaneously.

53

[Regulation 53 repealed by GN R359 of 26 February 1982.]

54 (1) Where immovable property has been acquired by any person not married in community of property and transfer thereof has not been effected during the lifetime of such person, the transfer deed shall be made out in favour of the estate of such person.

(2) A certificate of title of immovable property which is registered in the name of a person since deceased shall be issued in the name of the registered owner (deceased), and not in favour of his estate.

[Subregulation (2) substituted by GN R762 of 5 June 1998.]

55 Where in the circumstances provided in sub-section (1) (b) (ii) of section fourteen of the Act transfer direct to a purchaser is lodged, such deed of transfer shall not be executed unless proof of the value of the immovable property being dealt with is furnished by means of a written valuation by a sworn appraiser.

56 Where transfer is lodged in the circumstances provided in sub-section (1) of section thirty of the Act such transfer shall not be executed unless proof that the land awarded on partition to the owner of any share subject to a fideicommissum is an equivalent of that share, is furnished by means of the written report of a sworn appraiser or of an impartial person approved by the magistrate of the district in which the property is situate.

57

[Regulation 57 substituted by GN R1077 of 27 June 1969 and by GN R359 of 26 February 1982 and repealed by GN R184 of 10 February 1995.]

58

[Regulation 58 substituted by GN R359 of 26 February 1982 and repealed by GN R1892 of 26 August 1983.]

59 Any person making application to a Registrar for a consolidated title shall, if the diagram of the land in respect of which such application is made does not contain a description of the several pieces of land comprised therein corresponding so far as may be material for purposes of identification with that contained in the existing title deeds, cause to be lodged with his application a certificate containing such description from the Surveyor-General who approved the diagram.

60 (1) Whenever it appears from any statement on the diagram of a portion of a piece of land about to be transferred that the transferor has granted a servitude in favour of such portion over the remaining extent thereof or over some other land adjoining the land to be transferred and registered in the transferor's name, or has imposed a servitude over such portion in favour of such remaining extent or other land, such servitude shall be embodied in the power given for the purposes of the transfer of such portion and also in the relative deed of transfer, unless such servitude can only be created on the subsequent transfer of such portion.

(2) If a diagram lodged with an application for any certificate of title contains a statement indicating the creation of a new servitude, the Registrar shall decline to issue such title, unless there has been lodged for registration with the application a notarial deed embodying the terms of such servitude: or unless such servitude is only to be created on eventual transfer of the land affected.

(3) The land affected by a servitude shall be sufficiently described, and the serial number and year (if any) of the deed by which it is held shall be quoted. The provisions of this subregulation in respect of the number and date of the deed may be relaxed by the Registrar in special circumstances in his discretion.

[Subregulation (3) amended by GN R1892 of 26 August 1983.]

61 (1) Where cancellation of registration is sought under the provisions of sub-section (2) of section sixty-eight of the Act, a Registrar may accept a unilateral notarial deed of cancellation by the holder of such servitude provided such deed does not impose any obligation upon the owner of the land.

(2) A Registrar may accept for registration a unilateral notarial deed of (a) cancellation of fideicommissum by the fideicommissary heirs, (b) cession of a personal servitude mentioned in section sixty-six of the Act and (c) cessions of mineral rights, by the holder of such servitude or rights, provided that such deed does not impose any obligations upon the owner of the land in case of (a) or upon a cessionary in the case of (b) or (c).

62 In the circumstances mentioned in section seventy-six of the Act, the title deeds of the land affected shall be endorsed as to the nature of the praedial servitude created in a deed of transfer. Should, however, the description of the servitude be of such lengthy or complicated nature as to render an effective reference thereto or a transcription thereof impracticable by endorsement, an extract thereof certified by the conveyancer executing the deed of transfer shall be lodged for annexure by the Registrar to the originals and office duplicates of the deeds affected and a suitable reference to such extract shall be made by the Registrar upon such deeds.

63 (1) If, in connection with the execution or registration or filing of record of any deed, power or other document, reference is necessary to any deed or document already filed or registered in a Deeds Registry, the number and year of that deed, or of the deed with which such document is filed, or the number under which it is registered, must be furnished when the deed, power, or document is lodged for execution or registration or record. When any deed, power, or document to which reference is necessary is of a lengthy character, it shall be the duty of the conveyancer or other person concerned to indicate the particular clause thereof which relates to the question to be determined.

(2) All deeds, bonds, diagrams, or documents necessary in connection with the examination, execution, or registration of any deed, bond, power or other document lodged in a Deeds Registry, including all receipts or certificates required by law to be produced, shall accompany such deed. A Registrar shall not execute or attest a deed or bond unless the title deeds and bonds thereon for cancellation, release or substitution accompany the deed or bond lodged for execution save where such production is specifically waived under the Act or these regulations.

(3) When a deed lodged for execution or registration is intended to be executed or registered, or otherwise dealt with, in conjunction with any other deed lodged, the conveyancer, notary or Government official responsible for the lodgment shall indicate in the manner approved by the Registrar that such deeds shall be executed or registered or dealt with simultaneously. If any conveyancer, notary or Government official omits to comply with this regulation, the deed in respect of which the omission was made may, if in order, be executed, registered, or otherwise dealt with independently of such other deed.

[Subregulation (3) substituted by GN R359 of 26 February 1982.]

(4)

[Subregulation (4) repealed by GN R1892 of 26 August 1983.]

64

[R64 repealed by GN R359 of 26 February 1982.]

Powers and Certified Copies Thereof (reg 65)

65 (1) Any person seeking to pass, cede, or cancel a deed or to perform any other act in a Deeds Registry on behalf of any other person must, except as hereinafter provided lodge for filing with the Registrar the original power under which he claims to act.

(2) Powers must specify the date as well as the place of their execution, the latter being described sufficiently to enable the Registrar to judge whether or not it is situated within the Republic.

[Subregulation (2) amended by GN R493 of 2 April 1965 and substituted by GN R762 of 5 June 1998.]

(3) A special power of attorney to transfer, hypothecate or otherwise deal with land or other immovable property shall contain-

(a) a clear and sufficient description of such land or property;

(b) the registered number, if any, of such land or property;

(c) the number (comprising the serial number and year number) of the deed whereby such land or property is held; and

(d) in a power of attorney to transfer land, the date of disposal of such land.

[Subregulation (3) substituted by GN R359 of 26 February 1982.]

(4) A general power of attorney shall not be available for the purpose of dealing with immovable property unless it contains express authority empowering the agent to do so.

(5)

[Subregulation (5) deleted by GN R359 of 26 February 1982.]

(6) If an original power is filed of record in any Deeds Registry, the Registrar at another Deeds Registry may accept a copy thereof certified under the hand and seal of the Registrar at any such first-mentioned Deeds Registry, if such copy bears an endorsement signed by the Registrar issuing the same that it has been issued for use in such second-mentioned Deeds Registry. A substitution by the mandatory appointed in such power of attorney shall be registered in the first-mentioned Registry only, and such substitution shall not be registered unless accompanied by a copy thereof for certification and transmission for use in such second-mentioned Deeds Registry.

(7) A Registrar certifying a copy of a power for use in a Deeds Registry in terms of this regulation shall, before issuing the same, cause to be made on such power a suitable note indicating the issue of such copy, the date of such issue and the Deeds Registry for use in which such copy is issued, and shall further sign or initial such note.

(8) If at any time written notice is received from the mandant by the Registrar in charge of a Deeds Registry in which an original power has been registered after 1 January 1919, cancelling the same, the Registrar in charge of such Deeds Registry shall forthwith cause a suitable note of such cancellation to be made on the power, and shall sign or initial such note. He shall also, in case a copy had been issued for use in another Deeds Registry, forthwith give notice, in writing, of such cancellation to the Registrar in charge thereof who, upon receipt of such notice, shall note thereon the time and date of receipt thereof and acknowledge the same, in writing, and shall further cause a suitable note of the cancellation to be made on the copy of the power and sign or initial such note.

[Subregulation (8) substituted by GN R1077 of 27 June 1969.]

(9) A copy of any power accepted in terms of this regulation shall serve all the purposes of the original until the notice specified in the preceding sub-regulation has been received by the Registrar in charge of the Deeds Registry in respect of which the same was issued.

(10) If an original power is filed of record in the office of a Registrar of, or Master of any Division of the Supreme Court of South Africa, or in the office of a Registrar of Mining Titles or of a Mining Commissioner in his capacity as a registration officer, a Registrar of Deeds may recognize, as and for the purposes of an original, any copy certified under the hand and seal of such Registrar of Mining Titles or Mining Commissioner, whether it is already lodged in the Deeds Registry under his charge or is hereafter lodged therein. Any copy of a power certified under the hand and seal of a Registrar of or Master of a Supreme Court in existence in any of the Provinces before Union, or under the hand and seal of a Registrar of Deeds, which copy shall have been lodged in a Deeds Registry prior to the 1st January, 1919, shall also be recognized for such purposes; provided that when it is sought by virtue of any copy of a power referred to in this sub-regulation to perform any act before a Registrar of Deeds there shall be produced to the Registrar concerned a letter or certificate, signed by the officer in charge of the office or Registry as the case may be, from which such copy was issued, dated not more than twenty-one days prior to the date of production thereof, evidencing that no notification of revocation of the original power had been received by him up to the date of such letter or certificate.

(11) When a letter or certificate, as the case may be, has been produced to and lodged with a Registrar of Deeds by virtue of the proviso to the last preceding sub-regulation, such Registrar shall also have authority to effect all necessary acts in connection with the registration of any consent, cession or other matter, given, made or completed at any time prior to the date of the production and lodgment of such letter or certificate.

(12) A notice of the revocation of any power of attorney filed in a Deeds Registry will only be recognized if it is signed by the mandant or by some person expressly authorized by him in writing to revoke the same.

(13) If a power of attorney is printed or written on a form of mortgage bond or deed of transfer, or authorizes the passing of a bond or transfer on a form annexed thereto, such form shall not be accepted for execution and registration as a bond or transfer.

Copies of Deeds and Documents (regs 66-67)

66 Copies of deeds conferring title to land or to any interest therein and copies of mortgage or notarial bonds, required for information only, shall be issued on the application of any person and the words 'Issued for information only' shall be written or stamped on the face of every copy so issued.

67 Where copies of deeds conferring title to land or to any interest therein and copies of mortgage or notarial bonds are required for judicial purposes, they shall be issued on a written application signed by an attorney of the court or an enrolled law or admitted agent or on behalf of any State Department, and the words 'Issued for judicial purposes only' shall be written or stamped on the face of every copy so issued.

[Regulation 67 amended by GN R493 of 2 April 1965.]

68 (1) If 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, 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 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 through 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 be competent for him to issue a copy thereof gratis.

[Subregulation (1) amended by GN R493 of 2 April 1965 and by GN R359 of 26 February 1982.]

(2) If the circumstances of the loss or destruction are not stated, or if they are stated and the Registrar is of opinion that further evidence is necessary, either from the applicant himself or some other person in whose custody the deed, lease or sub-lease or registered cession thereof, or bond may have been before the loss or destruction thereof, to establish such loss or destruction, he shall be entitled to call for such evidence: Provided that if it appears from the records of the Deeds Registry, in the case of a deed, that the land, interest or real right thereunder has been mortgaged or the owner has conferred a real right therein on some person who may by virtue thereof be in possession of the deed, or in the case of a lease or sub-lease or registered cession thereof, that the lessee has mortgaged his interest therein, or in the case of a bond, that it has been ceded, the Registrar shall require that the mortgagee, the person on whom the real right has been conferred or the cessionary to whom the bond has been ceded, shall state in writing that the deed, lease or sub-lease or registered cession thereof or bond is not in his possession and that he consents to the issue of a copy thereof to the applicant.

[Subregulation (2) amended by GN R493 of 2 April 1965 and by GN R359 of 26 February 1982.]

(3) If such a registered holder is deceased or a lunatic, or is insolvent, or has assigned his estate for the benefit of his creditors under the provisions of the Insolvency Act, or under any prior statute governing the assignment of estates, or is a company under official liquidation, then the application and affidavit may be made by the legally acknowledged representative of the estate or by the liquidator of the company: Provided that if such representative or liquidator is not able to produce evidence definitely establishing the loss or destruction of the deed the Registrar may, on being satisfied that all necessary steps have been taken to recover the same, issue a copy thereof upon compliance with the requirements of this regulation.

[Subregulation (3) amended by GN R359 of 26 February 1982 and substituted by GN R184 of 10 February 1995.]

(4)

[Subregulation (4) deleted by GN R359 of 26 February 1982.]

(5)

[Subregulation (5) deleted by GN R359 of 26 February 1982.]

(6) On compliance with the provisions of this regulation the Registrar shall, if he is satisfied that no good reason to the contrary exists, issue the certified copy asked for: Provided that no such copy shall be issued until the Registrar has searched the registers and has made suitable endorsements regarding transactions, if any, registered therein in connection with the deed or bond concerned.

[Subregulation (6) substituted by GN R359 of 26 February 1982.]

(7) If a copy issued to serve as an original is itself lost or destroyed, the Registrar may, subject to the fulfilment mutatis mutandis of the conditions prescribed in this regulation in regard to the loss of originals, issue a further copy to serve in lieu of the original.

(8) If any deed referred to in sub-regulation (1) hereof or any registered lease or sub-lease or registered cession thereof or any mortgage or notarial bond has for any reason become unserviceable, it shall be competent for the Registrar to issue a certified copy thereof to serve in place of the original on written application being made to him by the owner or the legal holder or the duly authorized agent of such owner or holder; provided that the original deed shall be lodged with such application. If any such deed, lease or sub-lease or registered cession thereof, or bond is lodged for any purpose without an application for a certified copy, the Registrar shall have power, if in his opinion the same is not serviceable for the purpose intended, to require a certified copy to be taken out.

[Subregulation (8) amended by GN R493 of 2 April 1965.]

(9) The provisions of this regulation shall apply mutatis mutandis to any deed, lease or sub-lease or registered cession thereof or bond indicated in subregulation (1) hereof that may have been made in favour of the State President of the Republic of South Africa, or in regard to deeds, leases or sub-leases or registered cessions thereof, or bonds passed prior to Union in favour of the Governor or the Government of one of the Colonies or States included in the Union, for any official of such Government: Provided that the requisite

application and affidavit may be made by an officer charged with the custody of such deeds, leases or sub-leases or registered cessions thereof, or bonds.

[Subregulation (9) amended by GN R493 of 2 April 1965 and substituted by GN R359 of 26 February 1982.]

(10) In the event of any deed, lease or sub-lease or registered cession thereof, or bond, in lieu of which a copy has been issued under the provisions of this regulation being subsequently found and produced to the Registrar, he shall endorse thereon that it has become void except in the case of a deed of transfer affected by the provisions of sub-section (2) of section thirty-four of the Act, when the provisions of sub-regulation (13) hereof shall apply.

[Subregulation (10) amended by GN R493 of 2 April 1965.]

(11) If the registered holder of a mortgage or notarial bond (which has been lost or destroyed) or his 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), (2) and (3) of this regulation, the Registrar shall, if he 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.

[Subregulation (11) substituted by GN R1077 of 27 June 1969 and by GN R359 of 26 February 1982 and amended by GN R1892 of 26 August 1983.]

(12) In the circumstances mentioned in sub-section (2) of section thirty-four of the Act, the provisions of this regulation shall mutatis mutandis be complied with.

(13) Where any person has obtained a certificate of registered title under the provisions of sub-section (2) of section thirty-four of the Act, the Registrar shall endorse upon the registry duplicate of the lost or destroyed deed the fact that a certificate has been issued in respect of the share of the applicant under the aforesaid section. Should the lost deed be found and produced to the Registrar a similar endorsement shall be made thereon.

(14) If any deed as referred to in subregulation (1) is lost or destroyed and the rights held thereunder are attached, then the application and affidavit may be made by the Sheriff concerned: Provided that if such Sheriff is not able to produce evidence definitely establishing the loss or destruction of the deed the Registrar may, on being satisfied that all necessary steps have been taken to recover the same, issue a copy thereof upon compliance with the requirements of this regulation.

[Subregulation (14) inserted by GN R184 of 10 February 1995.]

69 When the original of a notarial bond which has been registered at two or more Deeds Registries has been lost or destroyed the registered holder thereof or his duly authorized agent may elect to apply for a certified copy thereof under the provisions of the preceding regulation to the Registrar in charge of any of such Registries, but before issuing any such

copy the Registrar to whom application has been made shall require the production of a certificate from the Registrar of every other Deeds Registry in which such bond was registrable stating that no objection exists to the issue of such copy to the applicant and containing full particulars of all endorsements of registration and of any cessions or other transactions which may have been registered in respect of such bond in such other Deeds Registry, and shall further, when issuing any such copy, forthwith notify the fact of such issue to such other Registrar.

70 If a certified copy of any document not specified in sub-regulation (1) of regulation 68 is required by any person, such person may obtain the same upon application and within such period as circumstances permit.

Miscellaneous (regs 71-79)

71 No business in relation to the preparation, lodgment or registration of deeds or other documents shall be conducted with the Deeds Registry by means of correspondence.

[Regulation 71 substituted by GN R2578 of 29 December 1978 and by GN R1892 of 26 August 1983.]

72 (1) If a portion of any piece of land held under a title deed, or the rights to minerals over a portion of the area over which the grantor's rights extend, form the subject of a prospecting contract, a diagram of that portion must, if required by the Registrar, be annexed to such contract.

(2) Where land or rights to minerals are registered in the names of two or more joint owners, it shall be competent for the Registrar to register a prospecting contract relative to such land or rights to minerals granted by one or more of such joint owners, without the consent of the remaining joint owners, provided such contract is clearly expressed to be granted solely in respect to the grantor's undivided share of the land or rights to minerals.

73 (1) In the event of any rights to minerals on a portion of any piece of land held under any title being leased or ceded, it shall be necessary for the registration of such lease or cession that a diagram of such portion be annexed to each copy of the deed of lease or cession lodged for registration, unless such portion is already registered as a separate entity: Provided that if only a portion of such right is subsequently ceded or leased, a separate diagram representing the land affected by such parent lease or cession, if not already available, other than the diagram of the affected freehold property, shall accompany the diagram of the sub-lease or cession required in terms of sub-regulation (2) hereof.

(2) A diagram shall also be annexed to each copy of the relevant deed in respect of leases and sub-leases of land and cessions thereof and to subleases and cessions of rights to

minerals affecting only a portion of the land held under the original leases or cessions, and to notarial releases of any part of the property leased and also to deeds creating or defining servitudes and real 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 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 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 sub-regulation shall exclude the registration of a servitude in general terms.

[Subregulation (2) amended by GN R493 of 2 April 1965 and by GN R359 of 26 February 1982 and substituted by GN R762 of 5 June 1998.]

(3) For the purposes of this regulation the Registrar shall not accept for registration any deed to which there is attached any sketch or plan other than a diagram.

(4) Before registering any notarial deed in regard to rights to minerals or issuing any certificate prescribed by section seventy-three of the Act, or registering any deed of transfer containing a reservation of such rights as are contemplated by section seventy-one of the Act, the Registrar may require a certificate from a conveyancer that there is no record in or on any title deeds relating to the land in question indicating that the rights described in such first-mentioned deed, certificate or transfer have been reserved or alienated.

74 When any lease or licence is tendered for registration under the provisions of the State Land Disposal Act, 1961, or any lease under the provisions of the Land Settlement Act, 1956, or any amendment thereof, it shall be sufficient if, in lieu of diagrams as required by sub-regulation (1) of regulation 73 there are annexed to the deeds so lodged compilation plans of the land dealt with certified by the Surveyor-General.

75 When it is sought to register the cancellation of a mynpacht brief, which has been lawfully cancelled, it shall not be necessary to produce the mynpacht brief to the Registrar of Deeds, who on the production of the lawful authority for such cancellation, shall make the necessary notes in his registers in reference thereto and on the duplicate original title deed of the land against which the mynpacht has been registered. In such cases it shall also be unnecessary to produce any mortgage bond over the mynpacht and the Registrar shall note such cancellation on the registration duplicate of the mortgage bond.

[Regulation 75 substituted by GN R1077 of 27 June 1969.]

76 The holder of a real right mentioned in sub-section (1) of section sixty-four of the Act may transfer the whole thereof (if transferable), without first obtaining a certificate as mentioned in the said section.

77 When a Registrar effects registration of any change in the name of a person or partnership by virtue of the authority vested in him by section ninety-three of the Act he shall, if there is evidence indicating that the name of the applicant appears in any deed, document, or power of attorney mentioned in such section registered in another Registry, notify the Registrar in charge thereof of such registration.

78

[Regulation 78 repealed by GN R1892 of 26 August 1983.]

79

[Regulation 79 repealed by GN R359 of 26 February 1982.]

79bis Where any act of registration affects a diagram it shall be the duty of the Registrar to notify the Surveyor-General concerned.

Information (reg 80)

80 (1) Where in any registry access into strong rooms by any member of the public for the purpose of conducting any search is permitted, a Registrar shall have power to regulate during which hours such access may be allowed. A Registrar shall have power to refuse admission to any member of the public without assigning a reason for such refusal.

(2) Where access to strong rooms is permitted, attorneys, notaries, conveyancers, surveyors, sheriffs or messengers of magistrates' courts, or such of their clerks as have received the approval of the Registrar, may inspect the records and registers, but other members of the public shall not be permitted such inspection unless under the personal supervision of a responsible officer: Provided that any document filed of record in the form of a microfilm reproduction of the original shall be made available for inspection only under the personal supervision of a responsible officer designated by the Registrar, and where information is required from any record stored in a computer, the Registrar shall as soon as conveniently possible furnish such information.

[Subregulation (2) amended by GN R359 of 26 February 1982.]

Binding of Records (reg 81)

81 A deed or document duly cancelled in terms of section 3 (1) of the Act may in terms of the proviso to section 3 (1) (a) of the Act be destroyed-

(a) in the case of a deed or document, after a lapse of five years from the date when it was cancelled;

(b) in the case of an authority for the cancellation of a deed or document, after a lapse of 30 years from the date when such cancellation was registered.

[Regulation 81 substituted by GN R359 of 26 February 1982.]

Forms and Tariffs (regs 82-86)

82 The certificates of title to be issued by a Registrar under the Act, and the further deeds or documents prescribed thereunder or under these regulations shall be prepared substantially in the forms provided in the schedule of Forms to these regulations, which forms shall also mutatis mutandis apply to leasehold transactions.

[Regulation 82 substituted by GN R1195 of 30 May 1985.]

82bis The certificate of registered title to be issued by a Registrar in terms of section 14 (7) and 49 (4) (b) of the Sectional Titles Act, 1986 (Act 95 of 1986), shall be prepared substantially in the relevant form provided in the Schedule to these regulations.

[Regulation 82bis inserted by GN R1141 of 30 May 1980 and substituted by GN R762 of 5 June 1998.]

83

[Regulation 83 repealed by GN R628 of 30 March 1984.]

84 The fees of office to be charged in respect of any act, matter, or thing required, or permitted, to be done in or in relation to a Deeds Registry shall be those specified in the schedule of fees of office to these regulations.

85

[Regulation 85 repealed by GN R184 of 10 February 1995.]

86 Except as otherwise provided in any law, the fees of office specified in the schedule of fees of office to these regulations, shall apply mutatis mutandis to the office of the Registrar of Johannesburg in respect of matters connected with stands or lots in townships until a freehold title has been obtained therefor under the Townships Amendment Act, 1908 (Transvaal), or the Conversion of Leasehold to Freehold Act, 1952, or any amendments thereof.

[Regulation 86 substituted by GN R184 of 10 February 1995.]

SCHEDULE OF FEES OF OFFICE

(Prescribed by regulation 84)

[Schedule of Fees of Office amended by GN R1105 of 8 July 1966, by GN R1077 of 27 July 1969 and by GN R2578 of 29 December 1978, substituted by GN R359 of 26 February 1982 and by GN R628 of 30 March 1984, amended by GN R1195 of 30 May 1985, substituted by GN R1658 of 30 September 1994 (as corrected by General Notice 1128 of 14 October 1994), by GN R946 of 11 July 1997, amended by GN R740 of 22 May 1998 and by GN R906 of 3 July 1998 and substituted by GN R204 of 19 February 1999.]

Item R

1. For a certificate by a registrar of any fact 20,00
2. For a report to Court made by a registrar in terms of section 97 of the Act 220,00
3. (a) For a copy issued in a Deeds Registry in term of regulations 66, 67, and 70 of--
a deed 25,00 per copy
a document 3,50 per page
(b) For the application and for issuing of a certified copy of a deed in terms of regulation 68
(1)
165,00 per copy
(c) For the keeping of a client's copy of a deed, on approval and at discretion of the registrar

110,00 per copy per year or part thereof

4. (a) For an enquiry relating to:--

(i) a property or deed, obtaining a computer printout and for the inspection of any deed, document, folio, register or microfilm relating thereto (including the search of the index)

for each enquiry per property or deed 5,50

(ii) a person, obtaining a computer printout and for the inspection of any deed, document, folio, register or microfilm relating thereto (including the search of the index)

for each 10 properties or part thereof 5,50

(b) For any unattended continuous search for information

for each hour or part thereof 11,00

(c) For any search, not specially provided for a fee to be fixed by the registrar,

provided the minimum fee shall be 5,50

(d) For obtaining an off-line computer print, PC diskette, or magnetic tape in respect of a series of properties,

for every 100 properties or part thereof 40,00

plus an administration fee of 55,00

5. (a) For registering as an Aktex user

a refundable deposit of 165,00

plus an administration fee of 55,00

(b) For reconnecting a user whose service has been suspended because of outstanding debts 55,00

6. For information required on Aktex:

(a) For each enquiry relating to a person, property or deed:

For the first 100 searches per month 2,50 per search

From 101 to 300 searches per month 1,80 per search

From 301 to 1 000 searches per month 1,20 per search

From 1 001 searches per month 0,90 per search

(b) For information regarding the daily transfer of property

0,40 per property

(c) For the issuing of copies for information of deeds and documents by using fax or any other electronic media as approved by the Chief Registrar of Deeds

2,50 per page

(d) For the issuing of an alphabetical volume containing-

(i) all the township names, allotment areas and agricultural holdings in a registration office

30,00 per volume; and

(ii) all the farm names in a registration office

30,00 per volume

(e) For the issuing of information on a stiffy, floppy or printouts for every 100 properties or portion thereof

35,00 plus an administration fee of 55,00

(f) For any enquiry on the system which is unsuccessful as a result of insufficient or incorrect information

0,55 per search

7. For the registration of--

(a) A transfer of land or cession of mineral rights of which the purchase price-

(i) does not exceed R60 000 45,00

(ii) exceeds R60 000 but does not exceed R150 000 145,00

(iii) exceeds R150 000 but does not exceed R300 000 190,00

(iv) exceeds R300 000 but does not exceed R500 000 250,00

(v) exceeds R500 000 290,00

(b) A bond of which the amount--

(i) does not exceed R150 000 145,00

(ii) exceeds R150 000 but does not exceed R300 000 190,00

(iii) exceeds R300 000 but does not exceed R500 000 250,00

(iv) exceeds R500 000 290,00

(c) a Cancellation or release of a registered mortgage or notarial bond 45,00

(d) Any other registration or annotation in registers or records, including certificates of title, and all other registrations which are not exempted by a law or where no purchase price is involved 70,00

EXEMPTIONS

No fees shall be levied by a registrar in respect of the performance of any act prescribed in section 3 (1) (w) of the Act.

TARIFF OF FEES AND CHARGES PRESCRIBED BY REGULATION 85

[Tariff of Fees and Charges amended by GN R557 of 26 April 1963, substituted by GN R1251 of 14 August 1964, amended by GN R1105 of 8 July 1966 and by GN R1077 of 27 June 1969; substituted by GN R437 of 23 March 1973 and by GN R2578 of 29 December 1978, amended by GN R127 of 26 January 1979, substituted by GN R359 of 26 February 1982 and by GN R628 of 30 March 1984, amended by GN R1195 of 30 May 1985, substituted by GN R1653 of 8 August 1986, amended by GN R2191 of 24 October 1986 and substituted by GN R2825 of 22 December 1989, amended by GN R203 of 8 February 1991, substituted by GN R1225 of 9 July 1993 and repealed by GN R184 of 10 February 1995.]