

CHIEF REGISTRAR'S CIRCULAR NO. 10 OF 2014

TRANSFER DUTY EXEMPTION CERTIFICATES IN RESPECT OF REDISTRIBUTION AGREEMENTS AND SUSPENSION OF REGISTRARS' CONFERENCE RESOLUTIONS 32 OF 2004 AND 5 OF 2013

1. The South African Revenue Service ("SARS") has, in a written communication, indicated that it will only issue **one** transfer duty exemption certificate that covers the transfer to the ultimate beneficiary in instances where redistribution agreements take place in the administration of deceased estates.
2. SARS is of the opinion that section 14 (2) of the Deeds Registries Act, 1937 (Act 47 of 1937), should not be interpreted to the effect that a transfer duty exemption certificate is required first for the transfer to the original beneficiary and then another for the transfer to the ultimate beneficiary since proviso (iii) to section 14(1)(b) is clear in that the transfer need only give effect to the final distribution i.e. the transfer from the estate to the ultimate beneficiary.
3. In view of the above, **RCR 32 of 2004 and RCR 5 of 2013 are suspended with immediate effect** and will be referred to the next Cadastral Conference for formal withdrawal.



CHIEF REGISTRAR OF DEEDS

DATE: 23/6/2014

REFERENCE : A. 6/2/P
RINGBINDER : 61

CHIEF REGISTRAR OF DEEDS
REGISTRARS OF DEEDS
DEEDS TRAINING

DIRECTOR: LAW SOCIETY OF SOUTH AFRICA : PRETORIA
MANAGER: BUTTERWORTHS PUBLICATIONS : DURBAN
CHAIRPERSON: PROPERTY LAW COMMITTEE : PRETORIA