


CHIEF REGISTRAR'S CIRCULAR NO. 6 OF 2014

VESTING OF STATE PROPERTY IN RESPECT OF CERTIFICATES ISSUED IN TERMS OF ITEM 28(1) OF SCHEDULE 6 OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 (ACT NO. 108 OF 1996)

1. The purpose of this circular is to address the rejection of certificates issued in terms of Item 28(1) of Schedule 6 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).
2. Various State Departments have expressed their concern at the large number of rejections of Item 28(1) certificates due to property descriptions that do not completely correspond to property descriptions as recorded in the deeds registry records. For example, an Item 28(1) certificate will describe a property as '*Portion 26 of the Farm Bezuidenhoutskraal 96, Registration Division JR*', whereas the description in the deeds registry records, relevant title deed and diagram / plan will be reflected as '*Portion 26 (a portion of portion 4) of the Farm Bezuidenhoutskraal 96, Registration Division JR*'.
3. Rejections of the aforementioned nature must be discontinued with immediate effect. Where an Item 28(1) certificate contains a property description that is incomplete but identifiable with the property referred to in the title deed, and such certificate correctly reflects the extent of the property and the title deed number under which the property is held, the certificate must be accepted (see copy of the format of the Item 28(1) certificate attached to CRC 2 of 2013).
4. An Item 28(1) certificate may be rejected when it reflects an incorrect farm number, registration division, or portion number of a property.
5. Where an Item 28(1) certificate is issued in respect of an erf in a township, the erf number, name of the township, extent of the erf, Province and title deed number will serve as sufficient identification.
6. Item 28(1) certificates issued prior to 1 October 1999, still make reference to the '*Republic of South Africa / Province of*'. These certificates must be accepted but the endorsement on the relevant deeds must reflect the vesting in the '*National Government of the Republic of South Africa / Provincial Government of* (state relevant Province)' – whichever is applicable.

7. The normal procedure relating to the lodgement of deeds must also be followed in respect of Item 28(1) certificates. Deeds registries may under no circumstances accept such certificates without the normal lodgement procedure being followed (lodged in covers, together with title deeds, bar-coding, etc).


CHIEF REGISTRAR OF DEEDS
DATE: 13 MARCH 2014

REFERENCE: A 6/2/P
RINGBINDER 68

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