



rural development & land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

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CHIEF REGISTRAR'S CIRCULAR NO. 12 OF 2016 (For internal circulation only)

LODGEMENT AND PROCESSING OF CERIFICATES IN TERMS OF ITEM 28(1) OF SCHEDULE 6 OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996

1. PURPOSE

This is an internal circular that will not be issued to the conveyancing fraternity. The purpose of circular is to outline a procedure that must be followed in the deeds registries regarding the lodgement and processing of certificates in terms of Item 28(1) of schedule 6 of the Constitution of the Republic of South Africa, 1996.

2. DISCUSSION

The Department of Public Works (DPW) and the Department of Rural Development and Land Reform (DRDLR) are vested with the power of administering State land by confirming the custodianship and vesting of State immovable assets. These Departments are, in terms of the Public Finance Management Act, enjoined to maintain an Immovable Asset Register. These Departments have been engaging the services of the office of the State Attorney in the process of having the relevant title deeds endorsed in terms of Item 28(1) of schedule 6 of the Constitution of the Republic of South Africa, 1996. The urgency of finalizing the vesting project has rendered using the office of the State Attorney no longer a preferred course by the Departments referred to herein.

3. PROCEDURE THAT MUST BE FOLLOWED

- The deeds registries must open accounts and allocate pigeon holes to the Departments.
- The Item 28(1) certificates may be lodged directly with the deeds registry by officials of the Departments.
- The certificates must be lodged in white lodgement covers and barcodes must be affixed to the lodgement covers.

- The normal processes of examination and registration must be followed. It must be noted that all the Chief Registrar's Circulars regarding vesting in terms of item 28(1) of Schedule 6 to the Constitution of the Republic of South Africa must be given effect to.
- In cases where the title deed is not available, a letter from the relevant Department confirming the unavailability of the title deed must be lodged, and the office copy of the title deed must be endorsed accordingly.
- In cases where the office copy of the title deed has been endorsed, the deeds registry must note a caveat to the effect that the title deed must be endorsed regarding the vesting, whenever it is lodged.

The practice of accepting lodgement by post and the practice of not insisting on the use of lodgement covers must be discontinued as these practices pose serious and unnecessary risk, not only for the deeds registries, but also for the Departments. These practices also compromise the principle of accountability on the part of the deeds registry.

4. COMMENCEMENT OF OUTLINED PROCEDURE

The procedure outlined in this circular must be implemented from the date of this circular.



CHIEF REGISTRAR OF DEEDS

DATE: 17/8/2016

REFERENCE : A. 14/P
RINGBINDER: 44

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