



rural development & land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE CHIEF REGISTRAR OF DEEDS
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CHIEF REGISTRAR'S CIRCULAR NO. 4 OF 2017

RECTIFICATION OF TITLE DEEDS AND UPDATING OF DEEDS REGISTRY RECORDS REGARDING THE VESTING OF STATE LAND

1. APPLICATION OF THIS CIRCULAR AND REPEAL OF CRC 1 OF 2012

The procedure contained in CRC 1 of 2012 relating to the rectification of title deeds and updating of deeds registry records with regards to the vesting of immovable state land, does not address instances where vesting was as a result of a formal transfer or vesting other than a vesting in terms of an Item 28 (1) certificate. Many title deeds still reflect a Government Department or the 'Republic of South Africa', as the registered owner of state land.

Instances where vesting was incorrectly done in the name of the '*National Government of the Republic of South Africa*' instead of the relevant Provincial Government and *vice versa* are also not addressed in the Circular.

CRC 1 of 2012 is withdrawn and substituted with this Circular.

2. VESTING OF IMMOVABLE STATE LAND

- 2.1. This Circular contains procedures for the rectification of title deeds and the updating of deeds registry records with regard to the vesting of immovable state land.
- 2.2. The vesting of immovable property in the name of the National/Provincial Government is discussed in CRC 2 of 2013.

3. RECTIFICATION OF TITLE DEEDS AND UPDATING OF DEEDS REGISTRY RECORDS

- 3.1. Immovable property belonging to the state should, notwithstanding the possible incorrect wording in the Item 28 (1) certificate, only be vested in either the *National Government of the Republic of South Africa*, or the relevant Provincial Government.

- 3.2. Where immovable property vested in a Government Department or the 'Republic of South Africa' as a result of a formal transfer, an Item 28 (1) certificate, or a vesting other than the above, the title deed to such immovable property must be endorsed in terms of section 3 (1) (v) of Act 47 of 1937, to reflect the correct vesting.
- 3.3. The endorsing of title deeds to reflect the correct vesting in respect of immovable property belonging to the state, must be given effect to when the relevant title deed/s is/ are lodged together with an application for an endorsement in terms of section 3 (1) (v) of Act No. 47 of 1937. The application must make reference to the cause of the incorrect vesting of the immovable property.
- 3.4. An application referred to in paragraph 3.3 must be made by an authorised official of the Department of Public Works or the Department of Rural Development and Land Reform.
- 3.5. The relevant deed/s must be endorsed along the following lines—

Endorsement in terms of section 3 (1) (v) of Act No. 47 of 1937

The within-mentioned *property/right/asset vests in the —

*National Government of the Republic of South Africa/Provincial Government of (state relevant Province)

Application filed with BC

.....
DATE:

.....
REGISTRAR OF DEEDS

*Omit whichever is not applicable.

- 3.6. The capturing by data of the vesting referred to in paragraph 3.5 will result in the natural updating of the deeds registry records.

4. INCORRECT VESTING OF IMMOVABLE STATE LAND

Where immovable property incorrectly vests in the name of the 'National Government of the Republic of South Africa' instead of a Provincial Government, or *vice versa*, such incorrect vesting must be corrected by means of the registration of a rectification transfer, alternatively a 'new' Item 28 (1) certificate must be lodged. Examiners must write '*superseded*' over an incorrect section 3 (1) (v) endorsement, or over an incorrect Item 28 (1) endorsement. The relevant title deed/s must also be endorsed with a transfer endorsement in cases of a rectification transfer, or a 'new' Item 28 (1) endorsement in cases of vesting in terms of an Item 28 (1) certificate.

5. OFFICE FEES

No fee or other charge is payable in respect of a registration in terms of Item 28 (1) of Schedule 6 of Act No. 108 of 1996 (see Item 28 (2)). An office fee, therefore, must not be charged in respect of an endorsements referred to in paragraph 3.5 above.

**CHIEF REGISTRAR OF DEEDS**

DATE: 6/4/2017

REFERENCE: A.14/P
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