



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. 5 OF 2017

REGULATING THE CONDUCT OF OFFICIALS IN THE BRANCH: DEEDS REGISTRATION BY SETTING MINIMUM STANDARDS

1. PURPOSE

The purpose of this circular is to provide for and establish a body of rules that aim to effectively govern the conduct of employees involved in the Deeds Registration process at the Branch: Deeds Registration, thereby promoting exemplary conduct by employees and contributing to the development of high ethical standards in the work environment.

2. PRINCIPLES

2.1 Applicable Principles

- 2.1.1 This Circular does not replace the code of conduct for the public service (as contained in Chapter 2 of the Public Service Regulations PSR) and Chapter 6 of the Senior Management Service SMS Handbook;
- 2.1.2 Employees are expected to comply with the code of conduct provided for in the PSR, SMS Handbook;
- 2.1.3 In order to promote a high standard of professional ethics in the workplace, employees should be encouraged to think and behave morally;
- 2.1.4 This Circular seeks to provide for specific rules that will govern the conduct of employees in the Branch: Deeds Registration and further seeks to supplement the code of conduct for the public service (as contained in Chapter 2 of the PSR) and Chapter 6 of the SMS Handbook;
- 2.1.5 These rules are not exhaustive. In some situations employees must apply common law and Batho Pele principles and values in the scope of their work; and
- 2.1.6 Protocols on conduct and ethics cannot cover every possible situation. If an employee is unsure of the appropriate action to take in a particular situation, he/she must discuss the matter with his/her colleagues and supervisors.

3. AUTHORISATION

3.1 Regulatory Frameworks:

- 3.1.1 Constitution, 1996;
- 3.1.2 The Deeds Registries Act 47 of 1937;

- 3.1.3 The Regulations promulgated under the Deeds Registries Act 47 of 1937;
- 3.1.4 The Sectional Titles Act 95 of 1986;
- 3.1.5 The Regulations promulgated under the Sectional Titles 95 of 1986;
- 3.1.6 Public Service Act, 1994 (as amended);
- 3.1.7 Various other Acts, Ordinances and Rules;
- 3.1.8 Chief Registrar's Circulars;
- 3.1.9 Registrar's Circulars;
- 3.1.10 Registrars' Conference Resolutions;
- 3.1.11 Deeds Registration Practice Manuals;
- 3.1.12 Public Service Regulations, 2001 (as amended);
- 3.1.13 Labour Relations Act, 1995;
- 3.1.14 Ministerial Handbook, 2007;
- 3.1.15 SMS Handbook, Chapter 6;
- 3.1.16 Common Law relating to Labour Law as well as case law relating to Labour Law.

4. SCOPE

- 4.1 This Circular applies to all employees involved in the deeds registration process in the Deeds Registries in the Branch: Deeds Registration in the Department of Rural Development and Land Reform (DRDLR).
- 4.2 For purposes of this Circular, the following are also be included – special advisors, intern appointments, agency appointees, casual employees, and any other person, consultant, contract worker appointed in accordance with other legislation in the Department and specifically involved in the deeds registration process.

5. CIRCULAR COORDINATION

5.1 Maintenance of Circular

- 5.1.1 This Circular shall be reviewed and amended by the Chief Directorate: Legal Support & Deeds Training and submitted for comments to the relevant structures within the Branch Deeds Registration as and when the need arises.
- 5.1.2 All proposed amendments will be submitted to the Chief Registrar of Deeds for approval, before the amendments can be implemented.

5.2 Circular Implementation

- 5.2.1 Each Senior Manager, Manager and Supervisor shall be responsible for implementation of this Circular in their respective components. Each employee is obliged to ensure adherence to this Circular and applicable prescripts.
- 5.2.2 Employees who are considered to be in transgression of this Circular may be subjected to the disciplinary code and procedures applicable in the public service.
- 5.2.3 All new employees in the Branch: Deeds Registration must be issued with a copy of the Circular upon assumption of duty in the Branch. This is the duty of the employee's supervisor/manager in conjunction with the Director: Human Resources & Auxilliary Services/Labour Relations.
- 5.2.4 The employee acknowledgement of receipt marked Annexure A must be signed by the employee when he/she receives the copy of the Circular.

6. RELATED INFORMATION

- 6.1 If there is an irreconcilable conflict between any provisions in this Circular and a provision(s) in any act, regulation, directive/determination from the Minister for the Public Service and

Administration (MPSA) / Department of Public Service and Administration (DPSA), Public Service Coordinating Bargaining Council (PSCBC) Resolutions or General Public Service Sectoral Bargaining Council (GPSSBC) Resolutions, the provisions of the latter shall prevail over this Circular, unless the DRDLR is expressly or by implication authorised to deviate from such an act, regulation or directive/determination from the MPSA/DPSA, PSCBC Resolutions or GPSSBC Resolutions.

6.2 All matters must first be dealt with in a specific component. Cases which cannot be dealt with in terms of this Circular must be submitted to the Deputy Director: Labour Relations for a decision. In appropriate cases the matter will be submitted first to the relevant Registrar of Deeds and thereafter, in case the matter cannot be resolved, to the Chief Registrar of Deeds for a decision.

6.3 If the employee's conduct is considered to constitute misconduct, such conduct shall be reported for a formal Disciplinary Enquiry.

7. FINANCIAL IMPLICATIONS

No financial implications.

8. DATE OF IMPLEMENTATION

This Circular shall become effective on date of signature hereof.

9. SPECIFIC FUNCTIONS

9.1 Lodgement of deeds

Chief Deeds Registration Clerks or any employees performing lodgement of deeds duties, shall ensure that:

9.1.1 Lodgement of deeds is done in accordance with the approved in-section manual and performance agreement.

9.2 Distribution of deeds

Distribution Clerks or any employees performing duties pertaining to distribution of deeds shall ensure that:

9.2.1 distribution of deeds is done in accordance with the approved in-section manual;

9.2.2 deeds/documents scanned into the name of a particular employee are handed over to such employee;

9.2.3 no undue interference takes place in the deeds distribution process, unless instructed so by management in writing.

9.2.4 assignment slips are printed and placed on the examiners' deeds as proof of allocation.

9.3 First level examination of deeds

Junior Examiners shall ensure that:

9.3.1 they sign a copy of the assignment slip on collection of deeds as proof of receipt;

9.3.2 they endorse name stamp and room number in section A of the cover;

- 9.3.3 deeds are endorsed, checked for interdicts and caveats against persons and property concerned;
- 9.3.4 deeds and documents are examined in accordance with all relevant legislation, Chief Registrar's Circulars (CRC's) Registrar's Circulars (RC's), Deeds Registration Practice Manuals and Registrars' Conference Resolutions (RCR's);
- 9.3.5 all necessary supporting documents that are required to be lodged in terms of the various applicable legislation or as per the title conditions, have been lodged;
- 9.3.6 all interdicts and caveats are checked and complied with and if the interdict is no longer applicable or has been complied with, the examiner must withdraw the interdict and raise the relevant office instructions for the affected section to comply with the withdrawal;
- 9.3.7 all mortgage bonds are dealt with;
- 9.3.8 registered owners are dealing with the property concerned;
- 9.3.9 notes, where applicable, are made in respect of the errors in the deeds documents;
- 9.3.10 in the event of a deed being rejected and subsequently re-lodged, neatly delete the name and room number of the previous examiner and replace it with his/her own details;
- 9.3.11 in the event of simultaneous registration with other deeds registries, examiners put a sticker and indicate offices linked to the transaction;
- 9.3.12 the section of the lodgement cover, which refers to interdicts, is completed not only upon first lodgement, but must, if deeds are rejected, again be completed upon re-lodgement and that the last date on which the interdicts were checked is indicated thereon (excluding Cape Town and Pretoria);
- 9.3.13 only notes which have been complied with are removed;
- 9.3.14 the name stamp, date and full signature of the examiner are affixed for removal of notes. If examiner is not able to use name stamp, the examiner must identify him / herself by writing his/her initials and surname in print underneath the signature;
- 9.3.15 they confirm having examined a transaction by initialling all the pages of deeds and all pages of supporting documents;
- 9.3.16 the applicable fee is correctly assessed and that the fee is inserted in the endorsement which is affixed in the top left hand corner of the first page of the document or deed;
- 9.3.17 where fee exemptions are applicable, that the necessary exemption codes are inserted in the endorsement;
- 9.3.18 the transaction concerned does not lead to double registration;
- 9.3.19 unless permission to the contrary is granted by management, deeds are submitted within the expected time frame to distribution section.

9.4 Second level examination of deeds

Senior Examiners shall ensure that:

- 9.4.1 they sign a copy of the assignment slip on collection of deeds as proof of receipt;
- 9.4.2 deeds and documents are examined in accordance with all relevant legislation, case or any other ruling; law, CRC's, RC's and Registrars' Conference Resolutions;
- 9.4.3 all necessary supporting documents that are required to be lodged in terms of the various applicable legislation as per the title conditions, have been lodged;
- 9.4.4 all interdicts and caveats are checked and complied with;
- 9.4.5 registered owners are dealing with the property concerned;
- 9.4.6 a determination is made whether the batch of deeds or documents is in order for registration or execution or not and pass or reject deeds that are not in order for registration;
- 9.4.7 notes, where applicable, are made in respect of the errors in the deeds documents that must be rectified;
- 9.4.8 they confirm having examined a transaction by initialling all the pages of deeds and all pages of supporting documents;
- 9.4.9 all names of previous examiners are obliterated in the case of re-lodgement;
- 9.4.10 only notes which have been fully complied with are removed;

- 9.4.11 the exact applicable fee has been assessed by the Junior Examiner and that the fee has been inserted in the endorsement which is affixed in the top left hand corner of the first page of the document or deed by the Junior Examiner;
- 9.4.12 where fee exemptions are applicable, that the necessary exemption codes have been inserted in the endorsement by the Junior Examiner;
- 9.4.13 corrective maintenance is conducted in terms of the applicable Registrar's Circular;
- 9.4.14 the transaction concerned does not lead to double registration;
- 9.4.15 unless permission to the contrary is granted by management, deeds are submitted within the expected time frame to distribution section.

9.5 Monitoring and execution of deeds

The ARD shall ensure that:

- 9.5.1 he/she monitor deeds and documents examined by the senior examiner and ensure that notes raised are valid and that deeds are registerable;
- 9.5.2 he/she monitors standards of deeds and documents lodged;
- 9.5.3 he/she place his/her name stamp and initial all deeds monitored by him/her as proof of review;
- 9.5.4 in the instance where a deed or document was incorrectly or harshly rejected or due to an office error not registered and after the Conveyancer has consulted the Senior Examiner for the removal of such incorrect note/notes and such note/notes were removed by the Senior Examiner, and having been instructed by the Deputy Registrar that the deed is subjected to corrective maintenance, he/she sends the restored deeds or documents or those monitored by the ARD to the preparation room;
- 9.5.5 corrective maintenance is conducted in terms of the applicable Registrar Circulars;
- 9.5.6 in the event that the Senior Examiner could not be convinced to remove the note/notes that resulted in the rejection of the deed, and the ARD is of the view that the rejection was incorrect or harsh, remove the note/notes and pass the deed;
- 9.5.7 all required documents have been signed by the Conveyancer;
- 9.5.8 rates clearance certificates submitted as supporting documents are valid.

9.6 Preparation Section

Chief Deeds Registration Clerks: Preparation or any employees performing preparation duties:

- 9.6.1 shall ensure that deeds or documents subjected to corrective maintenance are sorted and placed in the relevant Conveyancing firm's pigeon hole for the Conveyancer's attention;
- 9.6.2 shall ensure that, in the event of a Conveyancer failing to comply with the notes raised by the examiners within three or more days (depending on the deeds registry), reject such batch and send it to the delivery counter;
- 9.6.3 shall ensure that, in the event of all notes in the batch having been complied with, they forward the deeds or documents to Data Capturing or to Final Black Booking to determine whether any new interdicts have been received in connection with the person or property concerned;
- 9.6.4 shall ensure that, in the event of new interdicts having been received, refer the deeds to the ARD to have the interdict checked and reject or override were registerability is not affected and deliver the rejected deed to the delivery counter;
- 9.6.5 shall ensure that, in the event of the registry having received no new interdicts, send the deeds or documents to the execution room, where they are once again sorted and placed in the relevant firm's pigeon hole;

9.6.6 shall ensure that, should a Conveyancer fail to appear before the ROD within three or more days (depending on the particular registry) to register / execute the deeds or documents, reject such deeds or documents and return them to the delivery room.

9.7 Final Black booking of deeds

The Chief Deeds Registration Clerk: Data, on any employee performing final black booking, shall ensure that:

9.7.1 that all deeds and documents scanned into execution have been finally black booked and stamped accordingly;

9.7.2 if new interdicts have been received, the relevant batch shall be separated and the print out be inserted for ARD to verify then rejected and returned to the delivery counter or override;

9.7.3 if no new interdicts have been received, the deeds/documents are sent to the execution room for sorting and placement in the relevant firm's pigeon hole.

9.8 Numbering, Sealing and Dating of deeds

The Chief Deeds Registration Clerk: Numbering shall ensure that:

9.8.1 after the execution or registration, deeds are numbered, sealed and date stamped.

9.9 Data Capturing and Scanning of registered deeds and documents

The Chief Deeds Registration Clerk (Data) shall ensure that:

9.9.1 the procedures to be followed with regards to capturing and scanning of registered deeds and documents as detailed in CRC 2 of 2009 are complied with;

9.9.2 all deeds and documents are scanned and counted;

9.9.3 all registration information in respect of the deeds or documents are captured on the system.

9.10 Restricted Areas

9.10.1 All employees in the deeds registration environment must ensure that all areas designated as restricted areas are not entered by unauthorised people and where necessary are accompanied by employees when entering these areas.

9.11 Provision of Documents and information

9.11.1 Employees involved in the provision of registration information and documents and the collection of fees therefore shall ensure that the activities of provision of registration information and documents and the collection of fees are in accordance with the in-section manual.

10. GENERAL ACTS OF MISCONDUCT

10.1 No employee shall interfere with the process of distribution of deeds;

10.2 No employee shall take possession of deeds from examiners or interfere with the examination process;

10.3 No employee shall examine deeds that have not been distributed to her/him by the distribution section;

10.4 No employee shall accord any special treatment to any legal practitioner or firm;

10.5 No employee shall, without authority to do so, remove deeds from any section;

10.6 No employee shall, without authority to do so, destroy any deeds registration documents;

- 10.7 No employee shall, without authority to do so, temper with the deeds registration system;
- 10.8 No employee shall supply deeds registration information without ensuring that the prescribe fee has been paid for such supply;
- 10.9 No employee shall do alterations on any records without authority.

11. WHAT CONSTITUTES MISCONDUCT

Contravention of any of the provisions of this Circular or the non-performance of any of the responsibilities imposed in this Circular constitutes misconduct. An employee contravening any of the provisions of this Circular commits an act of misconduct and shall be subjected to disciplinary proceedings to determine his / her guilt or otherwise and an appropriate and commensurate sanction, in the discretion of the Presiding Officer shall be imposed.

12. MANAGEMENT OF MISCONDUCT

- 12.1 Prompt and decisive disciplinary action should be seen as a means of reinforcing high standards of conduct. There must be a will to use such mechanisms, as such action can demonstrate to staff and the community that government is committed to eliminating unethical conduct;
- 12.2 Employees must report any unethical behavior or wrongdoing by any other employee; and
- 12.3 Employees may also complain to the Public Protector, Provincial Public Protector, the PSC or the Auditor General where they believe that the Department has acted wrongly in its decision-making or actions. However, employees should first bring the complaint to the attention of the Department before referring it to an external body, unless there is a valid reason that prevents this from being done.

13. CONFIDENTIALITY OF EMPLOYEE INFORMATION

- 13.1 A fundamental rule on the use of employee information is that employees must not disclose any employee information to any persons unless they are acting:
 - 13.1.1 in the course of their employee duty;
 - 13.1.2 with the express authority of the department; or
 - 13.1.3 for other lawful purpose.
- 13.2 Employees should not misuse information gained in their employee capacity in seeking to take advantage for personal reasons. They should further take care to maintain the integrity and security of employee documents/information for which they are responsible. Every attempt should be made to avoid leaks; and
- 13.3 Employee information or documents acquired in the course of employment should only be disclosed when required to do so by law, in court, or when proper authority has been given. In such cases an employee's disclosure should be limited to factual information and should not express any personal opinion;
- 13.4 It is also important for employees to act and advise with honesty and integrity in all aspects of employee duties. If an employee believes that an aspect of this Circular or administration may have unforeseen consequences or otherwise requires review, it should be brought to the attention of the Chief Registrar of Deeds, the Director General or to the Deputy Minister / Minister.

14. CONSULTATION

This Circular was documented and consulted in the relevant structures of the DRDLR as well as the Departmental Bargaining Chamber.

15. GLOSSARY OF TERMS

Circular	Rules that translate ideas and values into everyday practice.
Component	A generic term used within the Department that includes an Office, Unit, Directorate, or office of the Registrar of Deeds.
Conduct	The actual behaviour and actions of employees.
Department	Department of Rural Development and Land Reform.
Employees	An individual person contemplated in Section 8 of the Public Service Act, 1994 (as amended)
Ethics	The system of principles and prescripts governing the appropriate conduct for public servants as contained in, amongst others, Chapter 2 of the Public Service Regulations, 2001 (as amended).
Senior Manager	The Director (salary level 13 and higher or equivalent rank) of the specific component or any official with the rank of Deputy Registrar and above.
SMS Handbook	Handbook on Senior Management Services which incorporates all the determinations, directives, and guidelines issued by the Minister of Public Service and Administration regarding SMS.
Values	The commonly held beliefs that guide judgement about what is good and proper, and from which ethical principles derive.



CHIEF REGISTRAR OF DEEDS

DATE: 10/5/2017

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RINGBINDER : 44

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