



**rural development
& land reform**

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

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CHIEF REGISTRAR'S CIRCULAR NO. 8 OF 2017

**DEEDS REGISTRIES ACT, 1937 (ACT NO. 47 OF 1937)
AMENDMENT OF REGULATIONS**

1. COMMENCEMENT OF AMENDED REGULATIONS

1.1. The amended regulations, published under Government Notice No. R. 428 in Government Gazette No. 40842 dated 12 May 2017, will come into operation on the following dates:-

1.1.1. The amendment to regulations 41 and 65 will come into operation on the date of the coming into operation of the Deeds Registries Amendment Act, 2017; and

1.1.2. The amendment of the other regulations will come into operation on 12 June 2017.

2. NATURE AND/OR IMPACT OF THE AMENDMENTS

2.1. Amendment of regulation 24:

Regulation 24 (1) and 24 (2) contain provisions relating to the execution of deeds, powers and other documents within the Republic, whilst regulation 24 (3) deals with the execution of deeds outside the Republic. However, the possibility exists for the said documentation to be executed outside the Republic, without this situation being stated in such deeds, powers or documents. The insertion of regulation 24 (4), to provide for the disclosure of the place, country and date if deeds, powers and other documents are executed outside the Republic, was therefore a necessary step.

2.2. Amendment of regulation 41:

The amendment of regulation 41 is consequential to the amendment of section 3 (1) (i) of the Act, as provided for in the Deeds Registries Amendment Bill, 2017. Section 3 (1) (i) is to be amended to provide for the registration of waivers of preference in respect of registered real rights in favour of leases. The

amendment of regulation 41 is in line with the provisions of the amendment to section 3 (1) (i), and will come into operation on the date of commencement of the Deeds Registries Amendment Act, 2017.

2.3. Amendment of regulation 65:

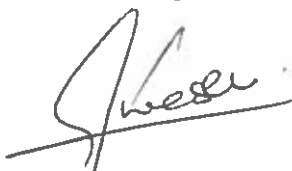
The amendment of regulation 65 is consequential to the amendment of section 3 (1) (u) of the Act, as proposed in the Deeds Registries Amendment Bill, 2017. Section 3 (1) (u) is to be amended by providing for the deletion of reference to the registration of copies of powers of attorney in another deeds registry. The amendment of regulation 65 is in line with the provisions of the amendment to section 3 (1) (u), and will come into operation on the date of commencement of the Deeds Registries Amendment Act, 2017.

2.4. Amendment of regulation 68:

Regulation 68 (11) provides for the registered holder of a mortgage / notarial bond that have been lost or destroyed, to make written application to the registrar of deeds for the cancellation of such mortgage / notarial bond. However, such bond may also become unserviceable in instances where pages thereof are damaged, missing or destroyed. The amendment of regulation 68 (11) to provide for the cancellation of a mortgage / notarial bond in instances where such bond has become unserviceable, was a necessary step.

3. IMPLEMENTATION OF AMENDED REGULATIONS

The amended to regulations must be applied only to deeds and documentation lodged after the date of commencement thereof (see par. 1).



CHIEF REGISTRAR OF DEEDS

DATE: 15/5/2017

REFERENCE: A. 14/P AND 10/2/3

RINGBINDER 54

CHIEF REGISTRAR OF DEEDS

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LAW SOCIETY OF SOUTH AFRICA : PRETORIA

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