



## agriculture, land reform & rural development

Department:  
Agriculture, Land Reform and Rural Development  
REPUBLIC OF SOUTH AFRICA

### OFFICE OF THE CHIEF REGISTRAR OF DEEDS

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## REGISTRARS' CONFERENCE RESOLUTIONS 2023

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### A. WITHDRAWAL OF REGISTRARS' CONFERENCE RESOLUTIONS

**1/2023: The following Registrars' Conference Resolutions are withdrawn:**

- RCR 3/1954 (outdated problem statement);
- RCR 11/1979 (outdated, section 22 of Estate Duty Act 45 of 1955 repealed);
- RCR 29/1980 (outdated, see Form UU in Deeds Registries Act 47 of 1937);
- RCR 34/2010 (incorrect problem statement);
- RCR 16/2011 (outdated, regulation 68(11A) now repealed);
- RCR 3/2016 (outdated, see section 15B(1)(e) of Sectional Titles Act 95 of 1986);
- RCR 7/2016: (outdated, see section 15B(1)(e) of Sectional Titles Act 95 of 1986);
- RCR 5/2021 (outdated, see section 15B(1)(e) of Sectional Titles Act 95 of 1986).

### B. PREVIOUS CONFERENCE RESOLUTIONS:

**2/2023: Section 25 (6A) of the Sectional Titles Act 95 of 1986 – Reservation of Right**

Where a right of extension has lapsed, must the lapsing of such right be noted prior to reserving a new right of extension?

**Resolution:**

Yes, lapsing of the right of extension must be noted. An application in terms of section 15B(1)(e) of Act 95 of 1986 must be lodged to note the lapsing prior to the reservation of the new right.

- (RCR 3/2016 is hereby withdrawn.)

**3/2023: Endorsement of lapsing of rights of extensions**

A real right of extension is subdivided into numerous portions. What procedure must be followed for purposes of the endorsement of the lapsing of the right on the section 11(3)(b) schedule of conditions?

**Resolution:**

When one of the portions of a real right of extension has lapsed/been exhausted, the title deed of such portion must on application be endorsed by noting thereon that such right has lapsed/been exhausted. The section 11(3)(b) schedule must only be endorsed in terms of section 15B(1)(d) of Act 95 of 1986, when the whole of the right has lapsed. The provisions of section 15B(1)(e) of Act 95 of 1986 must be applied.

- (RCR 7/2016 is hereby withdrawn)

**C. DEEDS REGISTRIES ACT, 1937 (ACT 47 OF 1937)****4/2023 Ranking clause of Mortgage Bond – Mpumalanga**

Does section 4(1)(b) or Section 3(1)(v) of Act 47 of 1937 find application when the ranking clause of a mortgage bond requires amendment?

**Resolution:**

Pending amendment of the Act, the Registrar must exercise his/her discretion, in terms of section 4(1)(b), for amendment of the ranking clause of the bond.

**D. REGULATIONS TO THE DEEDS REGISTRIES ACT 47 OF 1937****5/2023 Regulation 68 – Mpumalanga**

Must a VA Application in terms of Proclamation R293/1962 comply with the provisions of regulation 68(1E) of Act 47 of 1937?

**Resolution:**

No, the provisions of Proclamation 293/1962 apply.

**E. GENERAL - (ACT 47 OF 1937)**

**6/2023**    **Insistence by Deeds Office that Section 42(2) of the Administration of Estate Act 66 of 1965, be followed on deceased rectification transfer by the Deeds office. (Legal Support obo Ms Kole from LPC)**

If a property was erroneously registered in a person`s name who has since passed away after the error was made, is it still necessary to obtain the Master`s consent in terms of Section 42(2) of Act 66 of 1965 to do the rectification transfer or can the conveyancer simply sign Section 42(1) certificate?

**Resolution:**

The Master`s consent in terms of Section 42(2) is not required. A conveyancer`s certificate in terms of section 42(1) is required.