

South Africa

Deeds Registries Act, 1937

Registration of Deeds Regulations, 1963

Government Notice R474 of 1963

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South Africa

Deeds Registries Act, 1937

Registration of Deeds Regulations, 1963

Government Notice R474 of 1963

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[Amended by Registration of Deeds Regulations: Amendment (Government Notice R557 of 1963) on 27 May 1963]

The State President has been pleased to approve, in terms of sub-section (11) of section nine of the Deeds Registries Act, 1937 (Act No. 47 of 1937) of the subjoined regulations made by the Deeds Registries Regulations Board in terms of section ten of the said Act with effect from the 1st May, 1963.

Definitions

1. Regulations

The regulations published in Government Notice No. 1265 of the 29th July 1938; as amended by Government Notices Nos. 1045 of the 21st May 1948, 2758 of the 26th October, 1951, 740 of the 15th April, 1954, 314 of the 24th February, 1956, 682 of the 10th May, 1957, 1741 of the 23rd October, 1959, and 1306 of the 29th December, 1961, are hereby repealed.

2. Definitions

In these regulations the expression "**the Act**" shall mean Act No. 47 of 1937 and any amendment thereof.

3.

The expression "duly witnessed" shall for the purpose of these regulations mean attested as provided in section ninety-five of the Act.

4.

The expression "administrative district" shall have the following meanings:—

- (a) In regard to the Province of the Cape of Good Hope (other than the Native Territories), a fiscal division or, in the Native Territories of the said Province, a district, expressly established as such, in either case by or under the provisions of an Act of Parliament: Provided that where any particular farm unit falls partly within the boundaries of one fiscal division or district, as the case may be, and partly within the boundaries of another fiscal division or district, such farm unit shall for the purpose of an administrative district be deemed to fall wholly within the fiscal division or district, as the case may be, in which the greater part of that farm unit is situate: Provided further that where any part of the boundary of a fiscal division or district, as the case may be, cannot be ascertained, that part of the boundary of such fiscal division or district shall, for the purposes of an administrative district, be deemed to follow such boundaries of such farm units as the Registrar of Deeds and the Surveyors General concerned may determine.
- (b) In regard to the Province of Transvaal, a registration division as referred to in regulation 6.
- (c) In regard to the Province of Natal, a county and the northern districts of Vryheid and Utrecht.

- (d) In regard to the Province of the Orange Free State, a district recognised as such on the 1st April, 1956.

Assistant Registrar

5.

Every Assistant Registrar shall have power and authority to do any act or thing which may lawfully be done by the Registrar—

- (1) when so required to act by the Registrar, whether the latter be present or not, and such Assistant Registrar may act in any matters assigned to him for disposal by the Registrar while the latter shall be acting in other matters: Provided that if objection is taken to any decision of an Assistant Registrar when acting by virtue of this sub-section, there shall be an appeal to the Registrar, who shall have power, if he sees fit, to vary or set aside such decision;
- (2) during the absence of the Registrar for any period not exceeding six weeks on leave, duty or from illness or other unavoidable cause.

Registration divisions and numbering of units

6.

The “ degree squares ” formed by the lines of latitude and longitude crossing the area served by any registry shall constitute registration divisions: Provided that such division shall follow the boundaries of the farm units whose greater area lies within the degree square forming such division.

7.

The farm units falling within the limits of a registration division shall be numbered in numerical progression throughout the degree square generally from west to east and east to west alternately, in quarter degree squares commencing at the north-west corner of each quartet degree square: Provided that in the Cape Natal and Orange Free State Provinces, if deemed advisable by the Registrar of Deeds and the Surveyor-General concerned, the numbering of farm units may be confined within the limits of an administrative district instead of a registration division.

8.

For the purpose of identifying erven, settlement holdings or lots (hereinafter called allotment units), it shall be the duty of the Registrar, in consultation with the Surveyor-General, to—

- (i) determine, if necessary, the limits of an area (hereinafter referred to as an allotment area) in which the registration of allotment units shall be confined to a single register or set of registers;
- (ii) Assign, where deemed necessary, a distinctive number to each allotment unit situate within an allotment area:

Provided that the local authority may be consulted before the limits of an allotment area are determined.

9.

- (1) The portions into which farms or allotment units may be divided shall be numbered consecutively, whether directly from the patent piece or indirectly through an intermediate portion, provided that —
 - (i) portions already numbered or lettered, and for which title deeds have been registered, need not be renumbered, but portions hereafter surveyed for the purpose of registration of title,

shall follow in numerical progression thereafter, and the diagrams thereof shall disclose the parent portion;

- (ii) upon subdivision of any piece of land in an allotment area, it shall be permissible to assign a new unit number to such subdivision.
- (2) Where two or more portions of a farm unit or of an allotment unit are consolidated into one the resulting piece of land shall receive the next consecutive number as if it were a new portion.
- (3) Where two or more farm units or two or more allotment units are consolidated into one the resulting piece of land shall receive a new number.
- (4) Where a portion of a farm unit and a whole such unit or a portion of an allotment unit and a whole such unit are consolidated into one the resulting piece of land shall receive a new number.
- (5) Where two or more portions of different allotment units or of different farms are consolidated into one the resulting piece of land shall receive the next suitable available number of the allotment area or registration division and where no such number is available, shall receive a new number in such allotment area or registration division:

Provided that, should it be found necessary to depart from the rules prescribed in sub-regulations (2) to (5) hereof, the Registrar may, after consultation with the Surveyor-General, authorise such departure.

10.

After the numbering of allotment units has been completed within an allotment area as prescribed in regulation 8, the Registrar shall take whatever steps may be necessary—

- (i) to compile a register or a set of registers for such allotment area;
- (ii) to identify the allotment units with land held under any title deeds;
- (iii) to endorse such title deeds that the land comprises or corresponds with the respective unit or units and is now registered in the relative register under its registration number.

Registers and index

11.

As soon as may be after the coming into force of these regulations each Registrar shall, subject to the directions hereafter set forth, open and keep the following registers:—

A. Land registers comprising

- (1) A Farm Register for each registration division or administrative district as the case may be.
 - (a) Such register shall be of the ledger type, bound in loose-leaf binders or covers, composed of durable material to the satisfaction of the Minister, approximately foolscap size, containing approximately 300 leaves of durable paper. The size may, however, upon recommendation by the Chief Registrar be varied from time to time with the written approval of the Minister.
 - (b) The a foregoing register shall contain, as far as practicable, a separate leaf for each farm or piece of land, hereinafter called a farm unit.
 - (c) The leaves shall be numbered serially to correspond with the numbers assigned to the farm units and each leaf so numbered shall contain the particulars relating to the farm unit bearing the same number.

Thereafter shall be recorded on such leaf, and the additional leaves hereinafter referred to, in chronological order, all transactions affecting the farm unit concerned. When transcribing a farm from an old register to the new register the aforementioned instructions shall be observed and all transactions in respect of such unit shall be transcribed.

- (d) The leaves shall be bound in numerical order. In the event of a leaf becoming filled with the record of transactions relative to any farm unit an additional leaf or leaves may be inserted immediately thereafter as circumstances require. Such additional leaves shall bear the same number as the original leaf, with additional subordinate serial numbers to distinguish them. Upon the original leaf shall be disclosed the fact and numbers of such additional leaves.
- (2) An Erf Register for each township, settlement, location or other subdivided area of a like nature (hereafter called an allotment area) within the prescribed limits of his registry. The provisions of subregulation (1) hereof shall apply *mutatis mutandis*, in respect of each unit of an allotment area.

B. A Personal register

- (1) In the said register there shall be assigned a leaf to each person (in the case of a partnership or firm the full names of the partners as well as that of the partnership or firm to be set out on such leaf), regarding whom registration shall take place relative to—
 - (a) any mortgage or notarial bonds passed by such person, or charges noted against the property of such person, and any subsequent dealings therewith;
 - (b) any antenuptial contract entered into by such person and proper for registration;
 - (c) any notarial deed of donation entered into by such person and proper for registration; and
 - (d) any power of attorney granted by such person authorizing the continuous performance of one or more acts accepted for registration in a Deeds Registry;
 - (e) all copies of powers authorizing the continuous performance as aforesaid issued from other Deeds Registries under these regulations: Provided that, where a power authorizes only the performance of acts within the prescribed limits of a particular Deeds Registry it may be registered only in such Registry.
- (2) The type and size of such register shall be substantially in accordance with the provisions of sub-section A(1)(a) of this regulation and shall contain a separate leaf for each person referred to in sub-section B(1) hereof and all transactions affecting that person proper for entry in such register shall be recorded on such leaf.
- (3) The leaves shall be grouped together in accordance with the initial letters of, the surnames of the persons concerned so that the leaves relating to persons with the same initial letter may be bound together into one volume or set of volumes as circumstances may require. Within the compass of any initial letter the leaves need not be arranged in alphabetical order of names of the persons concerned. Where a surname is hyphenated or preceded by “de”, “van de”, “van” and the like, the last name shall be taken for purposes of record.
- (4) Each leaf shall be given a separate number and no leaves shall be inserted among those making up a volume except where a leaf becomes filled and it becomes necessary to add a further leaf or leaves to continue the record (which leaves shall be termed continuation folios) or where it may be necessary to record transactions of a special nature for which the ordinary forms are unsuitable. In all cases the continuation folios shall be distinguished by the same number as the original or parent folios with the addition of a secondary serial

number. The original or parent folios shall record the fact and secondary numbers of the continuation folios.

- (5) As the opportunity offers, open entries in the debt registers may be transferred to the personal registers so as to expedite the supersession of the debt registers.

C. Contract registers

- (1) Such registers shall be of the day book type each containing a record in chronological order of the particulars of the respective deeds hereinafter mentioned.
- (2) A separate register shall be used for each of the undermentioned sub-groups, and only transactions of the same sub-group shall be included in any one deed tendered for registration:—
 - (a) Lease Registers, in which shall be registered leases and sub-leases of land as well as cessions and notarial amendments of such leases or sub-leases;
 - (b) Land Settlement Lease Register, in which shall be registered leases under the Land Settlement laws including extensions, variations and cessions thereof;
 - (c) Rights to Minerals Register, in which shall be registered certificates of rights to minerals, cessions of rights to minerals, leases and subleases of rights to minerals and cessions of such leases and sub-leases;
 - (d) Servitude Registers, in which shall be registered notarial deeds of servitude, certificates of registered real rights and personal servitudes reserved under section sixty-six of the Act and subsequent dealings with all such;
 - (e) Prospecting Contracts Register, in which shall be registered prospecting contracts including notarial variations thereof and cessions thereof;
 - (f) Mynpacht Register, in which shall be registered mynpachts and subsequent dealings therewith as notified to the Registrar from time to time.

Notwithstanding anything in this regulation contained any of the registers prescribed herein may take the form of a card index system approved in writing by the Minister upon the recommendation of the Chief Registrar.

12.

- (1) In the registers mentioned in clause A (1) and (2) of the preceding regulation, provision shall be made for making backward and forward references from entry to entry to facilitate searching.
- (2) Each entry shall be given a distinctive serial number.
- (3) In entering particulars in the Farm and Erf Registers a separate entry shall be made in the register for each paragraph in a deed.
- (4) When an entry in the registers mentioned in clause A (1) and (2) of the preceding regulation becomes superseded or obsolete in consequence of the registration of further transactions in the property concerned, a vertical line shall be drawn across it in red ink to indicate that it is "dead". It should at the same time be clear from the remainder column in the Farm and Erf Registers that no property remains held under that entry.
- (5) The form of leaves to be used in respect of the registers mentioned in clauses A (1) and (2) and B of the preceding regulation shall be as nearly as practicable in accordance with the forms in Annexures A, B and C to these regulations, in which are shown the particulars of registered deeds which shall be entered therein.

13.

The additional amounts secured under the costs clause in a bond shall be disregarded in making an entry in any personal register respecting such bond.

14.

When under the provisions of section forty-seven of the Act, the whole or any portion or share in a township or settlement is transferred the registration thereof shall be recorded on the fly-leaf of the register and not against the individual folios of such register.

15.

In addition to the registers mentioned in regulation 11, each Registrar shall keep such registers as may be required by the Minister for the purpose of furnishing any required returns and for securing information for statistical purposes respecting deeds registered and acts performed in and searches made and information furnished by his Registry, as well as of the duties paid and fees collected in connection therewith.

16.

Each Registrar shall keep a Register of Conveyancers.

17.

- (1) As soon as may be after the coming into force of these regulations each Registrar shall keep indexes, of the card index type, arranged alphabetically in accordance with the initial letter of the surnames of the persons mentioned in each of the undermentioned groups:—
 - (a) The Land Registry Section, in which there shall be indexed the names of all persons registered as owners of land or portions thereof or shares therein.
 - (b) The Personal Register Section, in which there shall be indexed the names of the mortgagors and the mortgagees, the parties to antenuptial and post-nuptial contracts, donors and donees and the grantors of powers registered therein. It shall not however, be necessary to index the names of such financial institutions, companies, moneylenders or the like as, in the opinion of the Registrar, will appear too frequently as mortgagees to serve any useful purpose.
 - (c) The Contract Registry Section, in which shall be indexed the names of the parties to the deeds registered therein. The cards shall be suitably framed in columns providing a reference to each sub-group in the said Contract Registry Section.
 - (d) The Interdict Section, in which shall be indexed the names of the persons affected by the notices, returns, statements or orders lodged under subsection (w) of section three of the Act.
- (2) For the purposes of the indexes aforesaid, the last name shall be taken as the surname in hyphenated names and names which are preceded by “de”, “van de”, “van ” and the like.
- (3) Each Registrar shall also keep an index of farms, the cards being arranged alphabetically in accordance with the initial letter of each farm unit.

Identity of persons

18.

- (1) The identity of persons shall be established by means of their names and dates of birth, or in the case of non-Europeans in lieu of the date of birth by a method approved by the Registrar, which shall be entered in the personal and other registers in which transactions relative to any one person are recorded.
- (2) The date of birth shall be established by means of the birth or baptismal certificate or an affidavit produced to and filed by the Registrar: Provided that affidavits made by any person other than the parent of a minor shall be accepted for identification purposes only and not as subsequent proof of capacity to act.
- (3) Where proof of the date of birth of any person has already been filed in his Registry it will be sufficient to refer to such proof provided the conveyancer concerned certifies to or produces proof of the identity of the party. In recording the date of birth of any person in the appropriate register the Registrar shall cause a note to be made therein indicating the document with which such proof is filed.
- (4) The Registrar concerned shall rectify any error made in connection with an entry or note of the date of birth of any person appearing in his Registry upon proof to his satisfaction that an error has been made.
- (5) Where there is produced to the Registrar of any Deeds Registry, for filing or registration, a deed which has already been registered in another Deeds Registry and in which the dates of birth of the parties thereto are shown, the Registrar of such first-mentioned Deeds Registry may accept such dates of birth as being correct and may dispense with production of a birth or baptismal certificate or an affidavit as required by sub-regulation (2) hereof.

19.

A Registrar shall have authority in connection with any deed or document tendered for execution, registration or record to call for evidence to establish the identity or non-identity of any party thereto with any person whose name appears in any register kept in his Registry.

Preparation of deeds and documents and qualification of persons

20.

Deeds, powers, and other documents executed within the Republic lodged for execution, registration, or record must be written, printed, or typed on paper approved by the Registrar.

21.

- (1) All deeds, powers, and other documents lodged for execution, registration, or record must be neatly and plainly written or typed, or printed with black ink of good quality and a margin of at least one inch and a half allowed for binding purposes. Copying ink must not be used, and no carbon copy of any deed, power, or other document shall be accepted for the purpose of being filed in a Deeds Registry. Alterations and interlineations will render a deed, power, or other document liable to rejection, but, if made, they must be initialled by the person or persons executing the deed, power, or other document, as the case may be, and also by the persons attesting the same. If, however, the alterations or interlineations are attested by persons other than the original attestors, such persons shall attach their signatures.

- (2) If any signature to a document shall have been written across a stamp, or with other than black ink of good quality, or encroaches on the margin, the Registrar may decline to allow it to be used for the purpose intended.
- (3) All alterations and interlineations must, in the case of a deed attested by a notary, be initialled also by such notary.
- (4) The upper half of the first page of deeds must not be used for writing, typing, printing, or any other purpose, but must be reserved for the purpose of Deeds Registry endorsements.
- (5) Notwithstanding anything in this regulation contained the registrar may in his discretion accept for record any photographic copy of a document which is filed of record in any Government office, provided that such copy has been certified to be a true copy by or on behalf of the head of such office, or by a notary public; and provided further that in the case of a diagram it has been certified by the Surveyor-General.
- (6) Any of the provisions of this regulation may be relaxed by the Registrar at his discretion.

22.

Any spaces in a deed which have not been used shall be ruled through, and where a deed comprises more than one page the necessary catch-word shall be written at the foot of each page.

23.

If in the opinion of the Registrar, the writing, typing, or printing in any deed, power, or other document lodged for attestation, execution or registration or for any other purpose, is owing to the faintness thereof, not calculated to secure durability, he may decline to attest, execute, register, or accept it, as the case may be.

24.

- (1) Deeds, powers, and other documents must contain the full names and dates of birth of the persons named therein, excepting such persons who are acting in or are appointed to act in a representative capacity. The provisions of this sub-regulation may be relaxed by the Registrar in special circumstances in his discretion.
- (2) An addition of an "alias" to the description of any person by or to whom a deed lodged for execution or attestation in a Deeds Registry is to be passed shall not be permitted, and, if any such addition has been made in any other deed or power, or other document lodged for registration, the correct name only shall be recognized for the purpose of such registration.
- (3) Deeds, powers, and other documents if executed outside the Republic and expressed in a foreign language may, at the discretion of the Registrar, be accepted for registration or record if a translation duly certified by person admitted to practise as a sworn translator in a province of the Republic is lodged therewith: Provided that if there be no sworn translator of any foreign language readily available the Registrar may in his discretion accept a translation made under oath by such other person as he may approve.

25.

Every deed and document executed in or lodged for registration or record in a Deeds Registry shall disclose the place and date of execution thereof.

26.

Every deed conferring title to land must quote the date and number of the grant, transfer, or other title by which the land is held, and also the date and number of the grant, transfer, or other title to which the

diagram of the land is annexed or relates, as well as the name of the person, in whose favour such last-mentioned grant, transfer, or other title was made.

27.

- (1) Where a deed conferring title to land includes more than one property, each piece of land shall be described in a separate paragraph, which shall be numbered, and each paragraph shall conform to the provisions of the preceding regulation. A separate registration clause must, if required by the Registrar, be inserted, at the end of the deed in respect of each piece of land, which clause shall bear a number corresponding to the number of the paragraph in which the land is described.
- (2) When two or more pieces of land are shown as separate figures on a single diagram each piece shall be described in the relevant deed in a separate paragraph, and may thereafter be transferred independently only upon the production of a further diagram thereof.
- (3) Notwithstanding any practice to the contrary in any Deeds Registry, it shall not be necessary, where separate diagrams of two or more pieces of land are annexed to one and the same deed of transfer and transfer is sought of any of such pieces, to procure from the Surveyor-General a copy of the diagram thereof for the purpose of annexure to the new transfer.

28.

- (1) In describing land in a deed the name of the registration division and administrative district in which it is situated shall be quoted and in the case of land situate in a township, the administrative district and the name of the township. The registered number, if any of the land shall be given, and in deeds conferring title to land the usual extending clause shall be inserted.
- (2) In describing land no reference shall be made in a deed conferring title to land, or in a mortgage bond, to any building or other property, movable or immovable, which may be on or attached to the land.
- (3) When the description of the situation of land in an existing deed is defective or insufficient, and it is desired in connection with a further transfer of such land to amend the same, the Registrar may, subject, if he thinks necessary to the production of a certificate from the Surveyor-General, permit such amendment to be made.
- (4) It shall not be necessary to repeat the description (if any) of the boundaries mentioned in a diagram, provided that a suitable reference to such diagram is made in the relevant deed.

29.

In the description of land conveyed or hypothecated in a deed or bond the extent thereof shall be expressed in words and figures.

30.

In the description of land the term "share" shall be employed when an undivided share in a piece of land is being dealt with, and such share shall be expressed in one fraction in its lowest terms, the method of arriving at the result being also given in complicated cases.

31.

- (1) If land to be transferred or hypothecated is held by several deeds the Registrar may require the conveyancer to furnish a statement containing particulars regarding the different fractional shares and describing in complicated cases the method by which the result was arrived at, and also, where there are two or more owners, to indicate in such statement the shares held by each. If the land is one of several pieces described in a transfer deed or mortgage bond the conveyancer shall furnish a reference to the paragraph therein which relates to such land.

- (2) Where possible, in transferring a share in land from two or more titles under which shares are held one or more titles shall be exhausted.

32.

No portion of any piece of land shall, save as by the Act provided, be transferred except upon a diagram thereof.

32bis.

When a piece of land has been separated into two or more parts by the deduction of one or more intervening portion or portions thereof, such parts forming the remaining extent shall not be regarded as being separate pieces of land for the purpose of sections forty, forty-one and forty-two of the Act.

33.

Where it is sought to transfer or cede immovable property to, or register mortgage bonds or notarial bonds in favour of persons who have not attained majority, such transfers, cessions or bonds shall, subject to the provisions of section twenty-five of the Act, be made in the name of the minors and not in the name of their guardians, tutors or curators as the case may be.

34.

- (1) All deeds or documents executed by or on behalf or in favour of persons carrying on business as a firm or a partnership, or to which a firm may be a party, as also any power lodged or required in connection with such deeds or documents, must contain the full names of the partners constituting the firm.
- (2) When property is registered in the name of persons carrying on business as a firm or a partnership it may, so long as the firm consists of the same partners, be transferred, hypothecated, or otherwise dealt with, as the case may be, on a power bearing the signature of the firm and of the partner who affixed the firm's signature.
- (3)
 - (a) If any partner in a firm wishes to transfer his share in any property of the firm to the remaining partners or to the remaining partners and some other person or persons, or to some other person or persons alone, to the end that such remaining partners either alone or together with such other person or persons, as the case may be, shall form a new partnership to hold such property, such transfer shall not be passed unless the whole of the property, and not merely the share of the disposing partner, be transferred or ceded to the new partnership, and the deed, power, or other document necessary for the purpose shall be signed by each of the partners of the original firm or by his duly authorized agent. In like manner if a new partner be admitted into a firm and if such new firm wishes to transfer or cede property taken over from the old firm such transfer or cession shall not be passed unless the said new firm has itself received transfer or cession of that property from the old firm.
 - (b) In the event of any property of a firm not being dealt with on dissolution to the manner described in paragraph (a), the deed, power or other document necessary for the transfer or cession to the partners thereof or such other persons to whom the same may have been disposed of shall be signed by each of the individual partners or by his duly authorized agent.
 - (c) If, during the continuance of a partnership any member thereof desires to register any transaction other than an endorsement pursuant to section forty-five of the Act, affecting his share in any property registered in the name of the partnership, he shall not be permitted to do so until transfer has been passed to such member of the share to which he is entitled.
 - (d) Where a partner is deceased and the deed of partnership provides that the partnership shall not be terminated by reason of his death but that his share in such partnership shall be administered by an administrator it shall be competent for a Registrar to endorse the title

deed of any immovable property held by such partnership to the effect that the share of such deceased partner in such partnership in shall be administered in terms of section sixty one of [Act No. 24 of 1913](#).

- (4) When land has been sold by or to a firm or partnership the transfer duty receipt issued in respect of the sale shall disclose the names of the members thereof.

35.

- (1) The following procedure shall be observed in the preparation of deeds conferring title to land in regard to the conditions to which such land is or may be subject:—
- (a) Where it appears from the deed produced to the Registrar that the land is subject to special conditions limiting the rights of the owner such conditions shall be repeated in every subsequent deed conferring title to such land, and where necessary be referred to as mentioned in the deed whereby they were created.
 - (b) Where it appears from the deed produced to the Registrar that the land is subject to conditions other than those specified in paragraph (a) they shall, if the Registrar so requires, be repeated otherwise they shall be specially referred to as mentioned in such deed, and their character be described in general terms.
 - (c) Where the deed produced to the Registrar is not a grant from the State and contains a general reference to conditions in a prior title-deed by which the land was held, every subsequent deed conferring title to such land shall be made subject also to such conditions as are referred to in the deed produced.
 - (d) Where the deed produced to the Registrar is a grant or transfer from the State comprising land acquired by purchase or otherwise, and such grant contains a general or specific reference to the conditions, contained in the deed by which the land was conveyed to the State, the provisions of paragraphs (a), (b) and (c) shall apply.
 - (e) In any subsequent deed relating to land in connection with which the provisions of paragraphs (a), (b) and (c), or any of them, have been applied, such deed shall follow substantially the preceding deed in its reference to the conditions and omit in this connection any mention of the preceding deed until such time as the land is made subject to further conditions, in which case such further conditions shall also be mentioned or specially referred to in the manner prescribed in such paragraphs.
 - (f) In every deed conferring title to land the rights of the State shall be expressly reserved.
 - (g) The number and the date of every deed to which reference is made in connection with conditions shall be quoted. Provided that the provisions of this clause may be relaxed by the Registrar in special circumstances in his discretion.
 - (h) Should the provisions of this regulation not be applicable, the decision of the Registrar in regard to the procedure to be followed shall be observed.
- (2) Conditions should be inserted in deeds in the official language in which they were constituted, provided that where any conditions are embodied in a registered deed in the other official language, such language may be perpetuated in subsequent deeds.
- (3) Where it appears from a deed that an owner of land has acquired any right of servitude over other land, such right should also be specially referred to or mentioned and described in every deed conferring title to the first-mentioned land.
- (4) If a deed lodged for execution or registration reserves or grants an interest described as a life interest, except when such interest is created by will, the nature thereof shall be disclosed in such deed and in the relative power, if any.
- (5) Conditions must, as far as practicable, be embodied in the title-deed and appear immediately after the extending clause, and only, in exceptional circumstances may they be contained in an annexure.

- (6) No condition shall be included in any deed or bond which purports to impose upon a Registrar any duty or obligation not sanctioned by law.

36.

Where a husband married in community of property desires to deal with land registered in the name of his wife the wife should affix her signature and the date thereof to the power of attorney in the presence of a witness as evidence that the marriage still subsists, and if she omits so to do, other satisfactory proof of such subsistence shall be produced.

37.

Where in the circumstances contained in the proviso to sub-section (4) of section fifty-eight of the Act, it is necessary to pass transfer to the rehabilitated insolvent such transfer may be passed upon a power of attorney signed by the Master.

38.

A certificate of rights to minerals in respect of the remainder of a township or settlement in terms of section seventy-one of the Act shall be issued only on written application of the owner of such remainder or his duly authorized agent.

39.

The agreement referred to in sub-Section (s) of section three of the Act shall be upon a separate sheet of paper and shall be lodged in duplicate, one copy which shall be annexed to the original bond and the other filed with the registry duplicate or, in a manner determined by the Registrar.

40.

- (1) The authority for the performance of any of the acts of registration specified in paragraphs (f), (g) and (h), cessions and cancellations specified in paragraph (j), releases, reductions of cover, and part payments specified in paragraph (j) *bis* and the cancellations specified in paragraph (q) of section three of the Act, shall be given upon a separate sheet of paper by the holder of the bond or the parties to the prospecting contract or by his or their duly authorized agent and shall be signed and duly witnessed. Every such authority, shall describe the bond or the contract and disclose the full names of the legal holder of the bond or of the parties to the contract and shall be retained by the Registrar.
- (2) The authority for the performance of the acts of registration referred to in the preceding clause shall be in duplicate with regard to paragraphs (f) and (h), the cessions and cancellations specified in paragraph (j) and the substitution specified in paragraph (g). Should a duplicate not have been furnished a Registrar may accept a copy certified by a conveyancer or notary. The original shall be retained by the Registrar and the duplicate, or certified copy as aforesaid, shall be annexed to the bond. When more than one bond is affected by the authority, an additional duplicate or a copy as aforesaid shall be furnished for annexure to each additional bond.
- (3) The written application and consent referred to in sub-section (5) (a) of section forty of the Act shall be in duplicate and duly witnessed.

41.

- (1) Where it is sought to mortgage land held under special conditions limiting the rights of the owner the Registrar may require those conditions to be set out in the bond or a suitable reference made thereto.
- (2) Every mortgage bond must contain a full and clear description of the property to be hypothecated, including the extent thereof, and when two or more properties are to be hypothecated each

property shall be described in a separate paragraph. The date and number, if any, of the deed by which the property is held must also be quoted in each paragraph, provided that where more than one property is held by one and the same deed the date and number of the deed may be quoted after the description of the last of such properties.

- (3) When bonds are lodged for the purpose of noting any part payment or reduction of cover thereon such part payment or reduction of cover need not be noted on the title deed of the property affected.
- (4) The deed of cession of a bond shall set forth the *causa* of such cession.
- (5) Where application is made for the registration of a cession of a bond which has been previously ceded but such previous cession or cessions have not been registered, the applicant shall furnish the Registrar with all previous cessions or notarially certified copies thereof which previous cessions need not be registered.
- (6) Where the cession of a bond has, prior to the coming into force of these regulations, been endorsed upon such bond a Registrar may accept for filing a duplicate original of the cession or an acknowledgement of such cession, in terms approved by him, signed by the cedent and duly witnessed, or a notarially certified copy of such cession.
- (7) Any waiver of preference in respect of a registered, real right in land (including rights mentioned in section sixty-six of the Act which may be contingent) to or in favour of the legal holder under a registered or registrable mortgage bond shall, if such bond has been registered, be contained in a notarial deed, and if such bond has not been registered be contained in a notarial deed or in such bond as the owner of such right may elect.

Every waiver registered in terms hereof shall be duly noted on the owner's title to such right, and in the case of a registered bond on such bond.

- (8) When a notarial bond, which has been registered in more than one Deeds Registry, has been cancelled in any such Registry, a copy of the consent lodged for the purposes of such cancellation certified by the Registrar thereof may be accepted in any other Registry in lieu of an original consent.

42.

The consent of the legal holder of any bond referred to in section twenty-seven of the Act shall be furnished in duplicate. Should a duplicate not have been furnished, a Registrar may accept a copy certified by a conveyancer or notary. The original shall be retained by the Registrar and the duplicate or copy shall be annexed to the bond.

43.

Every deed of transfer, certificate conferring title to immovable property or mortgage bond shall be prepared by a conveyancer and shall bear an endorsement signed by such conveyancer that it was prepared by him, and he shall also initial personally all alterations or interlineations in such transfer, certificate or bond and every page thereof not requiring his signature if such transfer, certificate or bond is written on separate sheets; and no such transfer, certificate or bond shall be accepted for execution or registration which does not bear such endorsement and is not so initialled: Provided, however, that in cases where the alteration or interlineation does not, in the opinion of the Registrar, require initialling by the preparing conveyancer, such alteration or interlineation shall be initialled by the executing conveyancer. This proviso does not apply to a certificate of title.

44.

Any power of attorney to perform an act in a Deeds Registry, deed of partition, authority for the performance of any of the acts mentioned in paragraphs (f), (g) and (h) and for cancellation, cessions and cancellations of cessions mentioned in paragraph (b), the releases, reductions of cover, and part payments specified in paragraph (j)*bis* of section three of the Act, agreement mentioned in paragraph (s) of section

three of the Act, or any other consent by a bondholder, owner of immovable property or holder of any real right prescribed by the Act or regulations, executed in the Republic after the 1st September, 1928, and tendered for registration of record in a Deeds Registry, shall be prepared by a practising attorney, notary or conveyancer (not necessarily practising in the Province within which such Registry is situated), and shall bear an endorsement signed by the attorney, notary or conveyancer, who prepared such power, deed, authority, agreement or consent, that it was prepared by him; and no such power, deed, authority, agreement or consent, shall be accepted by a Registrar for registration or record which does not bear such endorsement; any alteration or interlineation shall also be initialled by the person who prepared such document: Provided, however, that this regulation shall not affect the rights and privileges of any attorney who was admitted and/or enrolled before the 1st September, 1938: Provided further that this regulation shall not prevent any attorney, notary or conveyancer in the employ of the State, from preparing in the course of his employment, any document herein mentioned which is required for the performance of any function performed in the department of office in which he is employed.

Lodgment and execution of deeds

45.

- (1) All deeds, bonds, documents, and powers of attorney proper for execution or registration, as the case may be, in a Deeds Registry shall be lodged for examination by the owner or by an attorney, notary or conveyancer practising at the seat of such Registry with the receiving clerk (who shall note thereon the date of lodgment), between the hours of 9 and 9.30 a.m. on Saturdays, and between the hours of 9 and 10 a.m. on other working days: Provided, however, that this regulation shall not affect the rights and privileges of any attorney who was admitted and/or enrolled before the 1st September, 1938. It shall, however, be competent for the Registrar, on sufficient cause shown him, to permit deeds to be lodged at any other time during office hours.
- (2) Powers of attorney shall be lodged singly, and all other deeds described in the preceding subsection shall be lodged in duplicate except—
 - (a) when they relate to land in a township situate in the mining district of Johannesburg, as defined by [Proclamation No. 14 of 1923](#), dated 20th January, 1923, in which case they shall, in terms of [Act No. 34 of 1908](#) (Transvaal), be lodged in triplicate;
 - (b) when it is necessary in connection with a notarial deed affecting immovable property (other than a notarial prospecting contract) to effect registration against any title deeds and more than one owner is a party to the notarial deed and the additional owners hold under separate titles, in which case there shall be lodged an additional duplicate original, grosse or certified copy in respect of each such additional owner. The registry duplicate and one other deed alone shall bear the signature of the registrar: Provided that in the case of a notarial deed which is capable of being mortgaged, the additional duplicate or duplicates shall be endorsed to the effect that they are for information only. The registrar may in his discretion accept a lesser number of duplicate originals or grosse or certified copies.
- (3) On the expiration of either four or five clear days, as the Registrar may determine, after such lodgment and between such hours as the Registrar may in his discretion fix, all deeds proper for execution before the Registrar, and to the passing of which no objection exists, shall be executed before the Registrar, but the Registrar shall have discretion to permit deeds to be executed before the time of expiration of the period determined by him and also to reject deeds not executed within such time or period.
- (4) In the event of two or more mortgage bonds being passed on the same day by one and the same mortgagor over the same property, the Registrar shall, if each bond does not disclose the order in which it is to rank, note on each the exact time at which he affixed his signature thereto.
- (5) Deeds lodged for execution to the registration of which any objection exists must, if circumstances permit, be rejected not later than three clear days after lodgment.

- (6) All deeds or documents or powers lodged for registration must, if circumstances permit, be registered or rejected, as the case may be, not later than two clear days after such lodgment.
- (7) Although a deed is to be fully examined in the first instance, if a defect of such a nature as to justify rejection is discovered in connection with any deed or other document lodged for execution or registration, the Registrar shall have power to direct that the further examination of the deed shall be postponed until the defect has been cured and to reject such deed in the ordinary course.

46.

When lodging documents required for registering the transactions referred to in section five of the Act, there shall be produced such additional copies as shall be required for transmission to the other Deeds Registries affected. The additional copies shall be transmitted by the Registrar effecting registration to the other Registries.

47.

No cession of the balance due under any bond shall be registered until the amount paid in reduction thereof shall have been noted, nor may any bond, part of the capital amount of which has been repaid be substituted under the provisions of sections forty-five and fifty-seven of the Act until the part payment shall have been noted.

48.

If a collateral bond or surety bond is lodged for execution in a Registry other than that in which the principal bond is registered, a copy of such principal bond certified by the Registrar or the conveyancer lodging the collateral bond or surety bond, shall be lodged for filing with the registry duplicate of the collateral bond or surety bond. In the event of such collateral bond or surety bond being required to be executed simultaneously with the principal bond, a copy of the principal bond lodged with a Registrar shall be certified by him for filing as aforesaid and he shall advise the Registrar with whom the collateral bond or surety bond is lodged of the execution of the principal bond and such advice shall disclose any material amendments which may have been made in the principal bond since the issue of the copy aforesaid: Provided that in either case a copy need not be lodged for filing if such collateral bond or surety bond is drawn substantially in accordance with the form provided in the schedule of forms annexed to these regulations.

49.

- (1) Where application is made under the provisions of section forty-five of the Act there shall be produced, in addition to the title-deeds, lease under any law relating to land settlement and bonds, the undermentioned documents:—
 - (a) Proof of the appointment of the executor in the estate of the deceased spouse.
 - (b) Where transfer duty is payable, a receipt for such duty. A certificate, that all taxes, duties, fees and quitrent (if any) payable to the State or Provincial Administration have been paid.
 - (c) Where the property or bond was bequeathed to such survivor, a copy of the will accepted and certified by the Master.
 - (d) Where the property was purchased from the estate by such survivor, being also the executor in the estate, an Order of Court confirming the sale.
 - (e) Where action is being under section fifty-one, fifty-three or fifty-seven of the Administration of Estate Act 1913, a certificate or consent from the Master.
 - (f) In circumstances where no consent or certificate of the Master is required, a certificate from the Master that the liquidation account in the estate has lain for inspection, that no

objection thereto has been received and that the endorsement to be made is in terms of the account.

- (g) Where such survivor is an heir in terms of section one of the Succession Act, 1934—
 - (i) proof that the deceased spouse left no valid will, and
 - (ii) proof of the balance of the estate for distribution by means of a Certificate of the Master or a copy of the liquidation account certified by the Master.
 - (h) When application is made for the endorsement of a lease under any law relating to land settlement the consent of the Minister of Lands shall be produced to such endorsement.
- (2) When a title deed is endorsed under section forty five of the Act the Registrar shall make an appropriate note in the register affected.

50.

- (1) Where land is to be transferred in pursuance of the provisions of a will, codicil, or other testamentary instrument, a certified copy of the will, codicil, or other testamentary instrument as the case may be, shall be lodged with the deed. The Registrar may also in the exercise of his discretion require any executor who seeks to transfer land belonging to the estate under his administration, to lodge a certified copy of the will codicil, or other testamentary instrument, and of the liquidation account in the estate. If, however, a copy is already lodged in the Deeds Registry, it will be sufficient if a note is made in either case on the deed indicating the number and the date of the deed with which such copy is filed.
- (2) Where land is sought to be transferred by an executor in pursuance of—
 - (a) the exception (b) to section twenty-one of the Act there shall be lodged with such transfer a certificate by the Master or the executor or a conveyancer that the land has been sold to pay the debts of the joint estate; or
 - (b) the exception (c) to section twenty-one of the Act there shall be lodged with such transfer a certificate by the Master or a conveyancer that the surviving spouse has aviated under the will whereby the joint estate is massed or a statement to that aspect signed by the surviving spouse and duly witnessed;
 - (c) any of the exceptions to section twenty-one of the Act the deed of transfer shall indicate that the transfer is on behalf of the joint estate and that the joint estate is divested.

51.

- (1) Where it is sought to deal with immovable property, the title deed of such property, or a certified copy thereof issued to serve as an original, shall, save as provided in sub-regulations (2) and (3) hereof, be produced and be mentioned in the deed dealing with such property. It shall, however, not be necessary, unless the Registrar so requires, to produce any deed by which the property was previously held, whether such deed be the diagram deed or any intermediate deed, nor shall the Registrar be required to endorse thereon any record of subsequent dealings with the property.
- (2) Where immovable property, is to be transferred or ceded in execution of the judgment of any competent court by the officer appointed by law, or by such court, it shall not be necessary to produce the title deed of such property or a certified copy issued in lieu thereof if such officer certifies in writing that he has been unable to obtain possession of such title deed or copy: Provided that where the duplicate original of such title deed filed of record in a Deeds Registry has been lost or destroyed it shall be necessary for such officer to obtain a certificate of registered title under the provisions of section thirty eight of the Act, for which purpose such officer shall be regarded as the owner of the land, and provided further that where any land as to be transferred is registered in a Deeds Registry at Cape Town, King William's Town, Kimberley, or Vryburg, no transfer thereof shall be executed until a conveyancer has lodged with the Registrar a certificate that he has searched

the register of transfers, and that it contains no record of a, transfer of the land concerned by the person from whom it is proposed to be alienated.

- (3) Transfers in terms of section fifty-five (2) (c) of [Act No. 13 of 1944](#) may be passed without the production of the title deed of the property or a certified copy issued in lieu thereof, provided that the General Manager of the Land and Agricultural Bank of South Africa certifies in writing that he has been unable to obtain possession of such title deed or copy.

52.

- (1) Where, in the partition of land or rights to minerals, an undivided share in such land or rights to minerals is registered in the name of a deceased person, or of his or her estate, or of his or her surviving spouse, the Registrar shall, if such share has been bequeathed, require not only the consent of the Master in terms of section fifty-three of the Administration of Estates Act, 1913, on behalf of heirs or legatees who may be minors, but also the consents of the major heirs or legatees, if there are such, unless it can be proved to his satisfaction by documentary evidence that the partition was agreed upon during the lifetime of the testator.
- (2) Where a partition of land is effected in terms of sub-section (7) of section twenty-six of the Act, the agreement to partition or the powers of attorney shall set out all the properties to be partitioned and the properties, awarded to each partitioner.

The deeds of partition transfer shall be executed simultaneously.

53.

No deed conferring title to immovable property registered in the Deeds Registries at Cape Town, King William's Town, Kimberley or Vryburg, or mortgage bond thereon shall be executed by virtue of a certified copy of a deed of grant or certificate of ownership issued by the Surveyor-General of the Province of the Cape of Good Hope, nor shall any other deed or document be registered in respect thereof until there has been lodged with the Registrar a certificate given by a conveyancer that he has searched the register of transfers and that it contains no record of a transfer of the land concerned by the persons named in such grant or certificate.

54.

- (1) Where immovable property has been acquired by any person not married in community of property and transfer thereof has not been effected during the lifetime of such person, the transfer deed shall be made out in favour of the estate of such person.
- (2) A certificate of title of land which is registered in the name of a person since deceased shall be issued in the name of the registered owner (deceased), and not in favour of his estate.

55.

Where in the circumstances provided in subsection (1)(b)(ii) of section fourteen of the Act transfer direct to a purchaser is lodged, such deed of transfer shall not be executed unless proof of the value of the immovable property being dealt with is furnished by means of a written valuation by a sworn appraiser.

56.

Where transfer is lodged in the circumstances provided in sub-section (1) of section thirty of the Act such transfer shall not be executed unless proof that the land awarded on partition to the owner of any share subject to a *fideicommissum* is an equivalent of that share, is furnished by means of the written report of a sworn appraiser or of an impartial person approved by the magistrate of the district in which the property is situate.

57.

Where a note of expropriation is to be made in terms of sub-section (6)(a) of section thirty-one of the Act, such note shall not be made unless a certificate has been furnished to the Registrar by the expropriating authority describing the land, giving the name, number and administrative district, and setting out the full names of the registered owner and the number and date of the title.

58.

In the event of any deed of transfer or any mortgage bond either by or in favour of any bank, company, church, association, society, or other body or institution or of any trustees or other officers thereof, being lodged for execution or registration in a Deeds Registry, or of any consent to the performance of any act on behalf of any one or other of them being lodged in such Registry there shall be produced for record purposes a certified copy of or a relevant extract from the deed of constitution or regulations of such body or other institution and of such further evidence as may be necessary to prove that the transaction is within the scope of its constitution or regulations.

59.

Any person making application to a Registrar for a consolidated title shall, if the diagram of the land in respect of which such application is made does not contain a description of the several pieces of land comprised therein corresponding so far as may be material for purposes of identification with that contained in the existing title deeds, cause to be lodged with his application a certificate containing such description from the Surveyor General who approved the diagram.

60.

- (1) Whenever it appears from any statement on the diagram of a portion of a piece of land about to be transferred that the transferor has granted a servitude in favour of such portion over the remaining extent thereof or over some other land adjoining the land to be transferred and registered in the transferor's name, or has imposed a servitude over such portion in favour of such remaining extent or other land, such servitude shall be embodied in the power given for the purposes of the transfer of such portion and also in the relative deed of transfer, unless such servitude can only be created on the subsequent transfer of such portion.
- (2) If a diagram lodged with an application for any certificate of title contains a statement indicating the creation of a new servitude, the Registrar shall decline to issue such title, unless there has been lodged for registration with the application a notarial deed embodying the terms of such servitude: or unless such servitude is only to be created on eventual transfer of the land affected.
- (3) The land affected by a servitude shall be sufficiently described, and the number and date of the deed by which it is held shall be quoted. The provisions of this subregulation in respect of the number and date of the deed may be relaxed by the Registrar in special circumstance in his discretion.

61.

- (1) Where cancellation of registration is sought under the provisions of sub-section (2) of section sixty eight of the Act, a Registrar may accept a unilateral notarial deed of cancellation by the holder of such servitude provided such deed does not impose any obligation upon the owner of the land.
- (2) A Registrar may accept for registration a unilateral notarial deed of (a) cancellation of fideicommissum by the fideicommissary heirs, (b) cession of a personal servitude mentioned in section sixty-six of the Act and (c) cessions of mineral rights, by the holder of such servitude or rights, provided that such deed does not impose any obligations upon the owner of the land in case of (a) or upon a cessionary in the case of (b) or (c).

62.

In the circumstances mentioned in section seventy-six of the Act, the title deeds of the land affected shall be endorsed as to the nature of the praedial servitude created in a deed of transfer. Should, however, the description of the servitude be of such lengthy or complicated nature as to render an effective reference thereto or a transcription thereof impracticable by endorsement, an extract thereof certified by the conveyancer executing the deed of transfer shall be lodged for annexure by the Registrar to the originals and office duplicates of the deeds affected and a suitable reference to such extract shall be made by the Registrar upon such deeds.

63.

- (1) If, in connection with the execution or registration or filing of record of any deed, power or other document, reference is necessary to any deed or document already filed or registered in a Deeds Registry, the number and year of that deed, or of the deed with which such document is filed, or the number under which it is registered, must be furnished when the deed, power, or document is lodged for execution or registration or record. When any deed, power, or document to which reference is necessary is of a lengthy character, it shall be the duty of the conveyancer or other person concerned to indicate the particular clause thereof which relates to the question to be determined.
- (2) All deeds, bonds, diagrams, or documents necessary in connection with the examination, execution, or registration of any deed, bond, power or other document lodged in a Deeds Registry, including all receipts or certificates required by law to be produced, shall accompany such a deed. A Registrar shall not execute or attest a deed or bond unless the title deeds and bonds thereon for cancellation, release or substitution accompany the deed or bond lodged for execution save where such production is specifically waived under the Act or these regulations.
- (3) When a deed lodged by any person for execution or registration or any other purpose is intended to be executed or registered, or otherwise dealt with, in conjunction, with a deed lodged by another person, a note to that effect shall be made by the conveyancer or other persons is responsible for the lodgment thereof on the several deeds concerned. If any conveyancer omits to comply with this a regulation, the deed in respect of which such omission has been made, may, if in Older, be executed, registered, or otherwise dealt with independently of such other deed.
- (4) If in connection with the execution or registration of any deed, power, or other document, it is necessary to prove the appointment of any executor, trustee, tutor, curator or assignee, the original appointment granted under the hand of a Master shall be produced, or a certified copy of such original appointment or a certificate thereof, issued by a Master, and such original copy or certificate, as the case may be, shall be accepted by the Registrar for all purposes until he receives from the Master concerned notification of any revocation of, or change in, any such appointment.

64.

No transfer under the provisions of section thirty-three of the Act, shall be executed in the Deeds Registries at Cape Town, King William's Town, Vryburg or Kimberley, until a conveyancer has lodged a certificate, signed on the day of the lodgment of the deed and confirmed in case of any relodgment thereof, that he has searched the register of transfers and that it contains no record of a transfer of the land concerned by the person from whom it is proposed to be alienated.

Powers and certified copies thereof

65.

- (1) Any person seeking to pass, cede, or cancel a deed or to perform any other act in a Deeds Registry on behalf of any other person must, except as hereinafter provided lodge for filing with the Registrar the original power under which he claims to act.
- (2) Powers must specify the date as well as the place of their execution, the latter being described sufficiently to enable the Registrar to judge whether or not it is situated within the Republic.
- (3) A special power of attorney to transfer, hypothecate, or otherwise deal with land or other immovable property shall clearly and sufficiently describe the same and the registered number, if any, and the date of the deed whereby such land or other immovable property is held, should be quoted and in a power of attorney to transfer land the date of disposal of such land.
- (4) A general power of attorney shall not be available for the purpose of dealing with immovable property unless it contains express authority empowering the agent to do so.
- (5) In the event of any power having been enrolled in the protocol of a notary public practising in the Province of the Cape of Good Hope before the 10th December 1891, or in the Province of the Transvaal before the 7th March, 1902, or in the Province of the Orange Free State before the 16th January, 1903, or in the Province of Natal before the 1st January, 1919, a copy thereof may be accepted by a Registrar if certified by a notary public or if lodged in a public office, by the officer in charge of such office.
- (6) If an original power is filed of record in any Deeds Registry, the Registrar at another Deeds Registry may accept a copy thereof certified under the hand and seal of the Registrar at any such first-mentioned Deeds Registry, if such copy bears an endorsement signed by the Registrar issuing the same that it has been issued for use in such second-mentioned Deeds Registry. A substitution by the mandatory appointed in such power of attorney shall be registered in the first-mentioned Registry only, and such substitution shall not be registered unless accompanied by a copy thereof for certification and transmission for use in such second-mentioned Deeds Registry.
- (7) A Registrar certifying a copy of a power for use in a Deeds Registry in terms of this regulation shall, before issuing the same, cause to be made on such power a suitable note indicating the issue of such copy, the date of such issue and the Deeds Registry for use in which such copy is issued, and shall further sign or initial such note.
- (8) If at any time written notice is, received from the mandate by the Registrar in charge of a Deeds Registry in which an original power has been registered the 1st January, 1919, cancelling the same, the Registrar in charge of such Deeds Registry shall forthwith cause a suitable note of such cancellation to be made in the appropriate register and also on the power, and shall or initial the note on the latter. He shall also, in case a copy has been issued for use in another Deeds Registry, forthwith give notice in writing of such cancellation to the Registrar in charge thereof who, upon receipt of such notice, shall note thereon the time and date of receipt thereof and acknowledge the same in writing and shall further cause a suitable note of the cancellation to be made in his register, and on the copy of the power, and or initial the note on the latter. If a power or a copy of a power to which such notice relates has not been filed a suitable entry regarding such notice shall be made in the appropriate register, provided such notice contains full particulars regarding the power.
- (9) A copy of any power accepted in terms of this regulation shall serve all the purposes of the origin until the notice specified in the preceding subregulation has been received by the Registrar in charge of the Deeds Registry in respect of which the same was issued.
- (10) If an original power is filed of record in the office of a Registrar of or Master of any Division of the Supreme Court of South Africa, or in the office Registrar of Mining Titles or of a Mining Commitment, in his capacity as a registration officer, a Registrar of Deeds may recognize, as and for the purposes of an original, any copy certified under the hand and seat of such Registrar of

or Master of any division of the Supreme Court, or of such Registrar of Mining Titles or Mining Commissioner, whether it is already lodged in the Deeds Registry under his charge or is hereafter, lodged therein. Any copy of a power certified under the hand and seal of a Registrar of or Master of a Supreme Court in existence in any of the Provinces before Union, or under the hand and seal of a Registrar of Deeds, which copy shall have been lodged in a Deeds Registry prior to the 1st January, 1919, shall also be recognized for such purposes; provided that when it is sought by virtue of any copy of a power referred to in this sub-regulation to perform any act before a Registrar of Deeds there shall be produced to the Registrar concerned a letter or certificate signed by the officer in charge of the office or Registry as the case may be, from which such copy was issued, dated not more than twenty-one days prior to the date of production thereof, evidencing that no notification of revocation of the original power had been received by him up to the date of such letter or certificate.

- (11) When a letter or certificate, as the case may be, has been produced to and lodged with a Registry of Deeds by virtue of the proviso to the last preceding section, such Registrar shall also have authority to effect all necessary acts in connection with the registration of any consent, cession or other matter, given, made or completed at any time prior to the date of the production and lodgment of such letter or certificate.
- (12) A notice of the revocation of any power of attorney filed in a Deeds Registry will only be recognized if it is signed by the mandant or by some person expressly authorized by him in writing to revoke the same.
- (13) If a power of attorney is printed or written on a form of mortgage bond or deed of transfer, or authorises the passing of a bond or transfer on a form annexed thereto, such form shall not be accepted for execution and registration as a bond or transfer.

Copies of deeds and documents

66.

Copies of deeds conferring title to land or to any interest therein and copies of mortgage or notarial bonds required for information only, shall be issued on the application of any person and the words "Issued for information only" shall be written or stamped on the face of every copy so issued.

67.

Where copies of deeds conferring title to land or to any interest therein and copies of mortgage or notarial bonds are required for judicial purposes, they shall be issued on a written application signed by an attorney of the court or an enrolled law or admitted agent, and the words "Issued for judicial purposes only" shall be written or stamped on the face of every copy so issued.

68.

- (1) If any deed conferring title to land or any interest therein or any real right, or any registered lease or any mortgage or notarial bond, is lost or destroyed and a copy is required for any purpose other than one of those mentioned in either of the last two preceding regulations, the registered holder thereof or his duly authorized agent may make written application for such copy, which application shall be accompanied by an affidavit describing the deed and stating that it has not been pledged and it is not being detained by any one as security for debt or otherwise, but that it has been actually lost or destroyed and cannot be found though diligent search has been made therefor, and further setting forth where possible the circumstances under which it was lost or destroyed.
- (2) If the circumstances of the loss or destruction are not stated, or if they are stated and the Registrar is of opinion that further evidence is necessary, either from the applicant himself or some other person in whose custody the deed, lease, or bond may have been before the loss or destruction thereof, to establish such loss or destruction, he shall be entitled to call for such evidence.

- (3) If such a registered holder is deceased or a lunatic, or is insolvent, or has assigned his estate for the benefit of his creditors under the provisions of the Insolvency Act, or any prior statute governing the assignment of estates, or is a company under official liquidation, then the application and affidavit may be made by the legal representative of the estate or by the liquidator of the company:

Provided that if such representative or liquidator is not able to produce evidence definitely establishing the loss or destruction of the deed the Registrar may, on being satisfied that all necessary steps have been taken to recover the same, issue a copy thereof upon compliance with the further requirements of this regulation.

- (4) The applicant shall also insert once in the *Gazette* and once a week in two consecutive weeks in such newspaper as is mentioned in sub-section (2) of section thirty-eight of the Act, and in the case of a notarial bond in a newspaper circulating in the area where the bondholder resides and carries on business, a notice in the following form:—

Lost (here insert a description of the deed)

Notice is hereby given that I intend applying for a certified copy of (*here insert description of the deed*) No _____ dated _____ passed by (*here insert the name of the person, if any, passing the deed save in the case of a lost transfer and if none, omit the word "by". In the case of bonds insert the word "for" and the amount thereof in figures*) in favour of (*here insert the name of the person in whose favour the deed was passed*) in respect of certain (*here insert a description of the property still held under the title deed*). (*Omit the words "in respect of certain" in the case of a notarial bond*). All persons having objection to the issue of such copy are hereby required to lodge the same in writing with the (*Registrar of Deeds or Rand Townships Registrar*) at _____ within three weeks from the last publication of this notice.

Dated at _____ this _____ day of _____ 19 _____

(*Signature of Applicant or of his Attorney.*)

- (5) The applicant shall lodge with the Registrar the application and affidavit aforesaid and the relevant page of each issue of the newspaper in which such notice appeared, or an extract, certified to the satisfaction of the registrar and shall furnish a reference number and date of the *Gazette* in which the notice was published: Provided that in the case of the revival of a deed in terms of subsection (2) of section six of the Act, if it is established to the satisfaction of the Registrar that such deed is lost or destroyed, he may issue a certified copy thereof to take the place of the original without the necessity of advertising such loss or destruction.
- (6) After the expiry of the time mentioned in such notice the Registrar shall, if he is satisfied that no good reason to the contrary exists, issue the certified copy asked for: Provided that no such copy shall be issued until the Registrar has searched the registers and has made suitable endorsements regarding transactions if any, registered therein in connection with the deed or bond concerned.
- (7) If a copy issued to serve as an original is itself lost or destroyed, the Registrar may, subject to the fulfilment *mutatis mutandis* of the conditions prescribed in this regulation in regard to the loss of originals, issue a further copy to serve in lieu of the original.
- (8) If any deed referred to in sub-regulation (1) hereof or any registered lease or any mortgage or notarial bond has for any reason become unserviceable, it shall be competent for the Registrar to issue a certified copy thereof to serve in place of the original on written application being made to him by the owner or the legal holder or the duly authorized agent of such owner or holder; provided that the original deed shall be lodged with such application. If any such deed, lease, or bond is lodged for any purpose without an application for a certified copy, the Registrar shall have power, if in his opinion the same is not serviceable for the purpose intended, to require a certified copy to be taken out.

- (9) The provisions of this regulation shall apply *mutatis mutandis* to any deed, lease or bond indicated in subregulation (1) hereof that may have been made in favour of the State President or the Republic of South Africa, or in regard to deeds, leases, or bonds passed prior to Union in favour of the Governor or the Government of any of the Colonies or States included in the Union, or any official of such Government, except that it shall not be necessary to publish the notice prescribed by sub-regulation (4) and provided also that the requisite application and affidavit may be made by the Minister or Permanent Head of the Department of State charged with the custody of such deeds, leases or bonds.
- (10) In the event of any deed, lease, or bond, in lieu of which a copy has been issued under the provisions of this regulation being subsequently found and produced to the Registrar, he shall endorse thereon that it has become void except in the case of a deed of transfer affected by the provisions of sub-section (2) of section thirty-four of the Act, when the provisions of sub-regulation (13) hereof shall apply.
- (11) If the registered holder of a mortgage or notarial bond (which has been lost or destroyed) or his duly authorized agent, desires to procure cancellation of the entry relating to the same in the register, and shall have made written application duly witnessed to the Registrar to cancel such entry, and shall have complied *mutatis mutandis* with the provisions of sub-regulations (1), (2), (3), (4) and (5) of this regulation, the Registrar shall, after the expiry of the time mentioned in the notice referred to in the said sub-regulation (4), if he is satisfied that no good reason to the contrary exists, cancel such entry and the cancellation of such entry shall be deemed to be a cancellation of the aforesaid bond without a formal consent to cancellation.
- (12) In the circumstances mentioned in sub-section (2) of section thirty-four of the Act, the provisions of this regulation shall *mutatis mutandis* be complied with.
- (13) Where any person has obtained a certificate of registered title under the provisions of sub-section (2) of section thirty-four of the Act, the Registrar shall endorse upon the registry duplicate of the lost or destroyed deed the fact that a certificate has been issued in respect of the share of the applicant under the aforesaid section. Should the lost deed be found and produced to the Registrar a similar endorsement shall be made thereon.

69.

When the original of a notarial bond which has been registered at two or more Deeds Registries has been lost or destroyed the registered holder thereof or his duly authorized agent may elect to apply for a certified copy thereof under the provisions of the preceding regulation to the Registrar in charge of any of such Registries, but before issuing any such copy the Registrar to whom application has been made shall require the production of certificate from the Registrar of every other Deeds Registry in which such bond was registrable stating that no objection exists to the issue of such copy to the applicant and containing full particulars of all endorsements of registration and of any cessions or other transactions which may have been registered in respect of such bond in such other Deeds Registry, and shall further, when issuing any such copy, forthwith notify the fact of such issue to such other Registrar.

70.

If a certified copy of any document not specified in sub-regulation (1) of regulation 68 is required by any person, such person may obtain the same upon application and within such period as circumstances permit.

Miscellaneous

71.

Business with the Deeds Registry should be conducted in person or through an agent and not by correspondence.

72.

- (1) If a portion of any piece of land held under a title deed, or the rights to minerals over a portion of the area over which the grantor's rights extend, form the subject of a prospecting contract, a diagram of that portion must, if required by the Registrar, be annexed to such contract.
- (2) Where land or rights to minerals are registered in the names of two or more joint owners, it shall be competent for the Registrar to register a prospecting contract relative to such land or rights to minerals granted by one or more of such joint owners, without the consent of the remaining joint owners, provided such contract is clearly expressed to be granted solely in respect to the grantor's undivided share of the land or rights to minerals.

73.

- (1) In the event of any rights to minerals on a portion of any piece of land held under any title being leased or ceded, it shall be necessary for the registration of such lease or cession that a diagram of such portion be annexed to each copy of the deed of lease or cession lodged for registration, unless such portion is already registered as a separate entity: Provided that if only a portion of such right is subsequently ceded or leased, a separate diagram representing the land affected by such parent lease or cession, if not already available, other than the diagram of the affected freehold property, shall accompany the diagram of the sub-lease or cession required in terms of sub-regulation (2) hereof.
- (2) A diagram shall also be annexed to each copy of the relevant deed in respect of leases and sub-leases of land and to sub-leases and cessions of rights to minerals affecting only a portion of the land held under the original leases or cessions, and to notarial releases of any part of the property leased and also to deeds creating or defining servitudes and real rights whether created or defined by the parties thereto or by order of the Court or a Water Court: Provided that a servitude feature of uniform width, or a servitude feature at a specified distance from and parallel to a surveyed line shown on a registered diagram extending along the entire length of such surveyed line, may be registered by description without a supporting diagram: Provided further that nothing in this sub-regulation shall exclude the registration of a servitude in general terms.
- (3) For the purposes of this regulation the Registrar shall not accept for registration any deed to which there is attached any sketch or plan other than a diagram.
- (4) Before registering any notarial deed in regard to rights to minerals or issuing any certificate prescribed by section seventy-three of the Act, or registering any deed of transfer containing a reservation of such rights as are contemplated by section seventy-one of the Act, the Registrar may require a certificate from a conveyance that there is no record in or on any title deeds relating to the land in question indicating that the rights described in such first-mentioned deed, certificate or transfer have been reserved or alienated.

74.

When any lease or licence is tendered for registration under the provisions of the State Land Disposal Act, 1961, or any lease under the provisions of the Land Settlement Act, 1956, or any amendment thereof, it shall be sufficient if, in lieu of diagrams as required by subregulation (1) of regulation 73 there are annexed to the deeds so lodged compilation plans of the land dealt with certified by the Surveyor-General.

75.

When it is sought to register the cancellation of a mynpacht brief, which has been lawfully cancelled, it shall not be necessary to produce the mynpacht brief to the Registrar of Deeds, who on the production of the lawful authority for such cancellation, shall make the necessary notes in his registers in reference thereto and on the duplicate original title deed of the land against which the mynpacht has been registered. In such cases it shall also be unnecessary to produce any mortgage bond over the mynpacht

and the Registrar shall note in the Personal Register that the title to the mortgaged property has been cancelled.

76.

The holder of a real right mentioned in sub-section (1) of section sixty-four of the Act may transfer the whole thereof (if transferable), without first obtaining a certificate as mentioned in the said section.

77.

When a Registrar effects registration of any change in the name of a person or partnership by virtue of the authority vested in him by section ninety-three of the Act he shall, if there is evidence indicating that the name of the applicant appears in any deed, document, or power of attorney mentioned in such section registered in another Registry, notify the Registrar in charge thereof of such registration.

78.

The endorsement on a bond prescribed by section fifty-nine of the Act shall disclose what portion of the mortgaged property has been sold.

79.

Returns of deeds registered where required shall be issued to the proper Government officer by each Registrar at such time and upon such form as shall be mutually agreed upon between such officer and the Registrar concerned.

79bis.

Where any act of registration affects a diagram it shall be the duty of the Registrar to notify the Surveyor-General concerned.

Information

80.

- (1) Where in any Registry access into strong rooms by any member of the public for the purpose of conducting any search is permitted, a Registrar shall have power to regulate during which hours such access may be allowed. A Registrar shall have power to refuse admission to any member of the public without assigning a reason for such refusal.
- (2) Where access to strong rooms is permitted, attorneys, notaries, conveyancers, surveyors, sheriffs or messengers of magistrates' courts, or such of their clerks as have received the approval of the Registrar, may inspect the records and registers, but other members of the public shall not be permitted such inspection unless under the personal supervision of a responsible officer.

Binding of records

81.

- (1) The registry duplicates of deeds and registered powers of attorney which are filed in any registry shall be permanently bound by the ordinary methods adopted by bookbinders in such cases. Where such ordinary methods cannot be employed the binding shall be carried out in a method to the satisfaction of the Registrar concerned and of the Minister.
- (2) Screwpost binders may be used for binding other records in any registry, and for the temporary binding of registry duplicates and registered powers of attorney.

- (3) In all cases the records shall for the purpose of binding be divided into volumes of a size and weight for convenient handling. The average weight should be approximately 10 lb.

Forms and tariffs

82.

The certificates of title to be issued by a Registrar under the Act, and the further deeds or documents prescribed thereunder or under these regulations, shall be prepared substantially in the forms provided in the schedule of forms annexed to these regulations.

83.

Except as otherwise provided in any law—

- (1) when in the schedule of fees of office to these regulations a fee of office is prescribed for the registration of any deed, bond, power, or other document, such fee shall be taken to include all acts necessary to give effect to such registration including any consequential endorsement;
- (2) when in such schedule a fee is prescribed in respect of any note, entry, endorsement, or other act not otherwise expressly provided for therein, such fee shall, in case of a deed, bond, power, or other document, be levied in respect of each deed, bond, power, or other document concerned without reference to the number of notes, entries, endorsements, or other acts, necessary to be made or done in connection with such deed, bond, power, or other document.

84.

The fees of office to be charged in respect of any act, matter, or thing required, or permitted, to be done in or in relation to a Deeds Registry shall be those specified in the schedule of fees of office to these regulations.

85.

- (1) The fees and charges as mentioned in subsection (1)(c) of section ten of the Act shall be those specified in the Tariff of Fees and Charges appended to these regulations: Provided that it shall be competent for a Registrar to tax a bill for wasted costs. The fees allowed in connection with such wasted costs shall be in the discretion of the Registrar.
- (2) The section and item of the tariff under which the payment of any fee or charge is claimed shall be indicated in any bill of costs presented for taxation.

86.

Except as otherwise provided in any law, the fees of office specified in the schedule of fees of office to these regulations and the fees and charges specified in the Tariff of Fees and Charges appended to these regulations, in so far as they are applicable, shall apply *mutatis mutandis* to the office of the Rand Townships Registrar in respect of matters connected with stands or lots in townships until a freehold title has been obtained therefor under the Townships Amendment Act, 1908 (Transvaal) or the Conversion of Leasehold to Freehold Act, 1952, or any amendments thereof.

Schedule of fees of office

Item		R	c
1.	For the registration of any deed conveying or evidencing the ownership of land, of mineral rights or cessions thereof, of a Certificate of Registered Real Rights and of a mortgage bond	2	50
2.	For the opening of a township or settlement register including any consequential endorsement—		
	for the first 300 erven or part thereof	10	00
	thereafter for every additional 300 erven or part thereof	6	00
3.	For the registration of any notarial deed other than those provided for under item 1	1	65
4.	For the registration of a suretyship contained in any bond— the like fee as for the bond.		
5.	For the substitution of a bond:—		
	(a) Where a new title is issued	1	65
	(b) Where the existing title is endorsed	0	85
6.	For the registration of cancellation, cession or cancellation of cession of a bond or of the release of a person and/or his property from a bond or of a part payment on a bond or a reduction of cover of a bond including any consequential endorsement	1	25
7.	For the registration of—		
	(a) an agreement varying the terms of a bond, a waiver of preference of one bond in favour of another or of any registrable		

		real right in favour of a bond if such waiver is contained in the bond;		
	(b)	a servitude contained in a deed of transfer over one piece of land in favour of other and or of a person, for each deed to be endorsed;		
	(c)	a power of attorney including the eventual cancellation thereof;		
	(d)	a mynpacht brief;		
	(e)	a change of name of any person or partnership under section ninety-three of the Act or of a company or society, for each deed;		
	(f)	any amendment under section four (1)(b) of the Act or under any law which is not specially exempted from the payment of fees, for each deed;		
	(g)	the registration, cancellation, part payment or release or substitution of an advance made under the provisions of the dipping tanks or fencing Acts or under any law which does not provide for an exemption from payment of fees	0	85
8.		For the cancellation of the registration of a prospecting contract under section eighty-five of the Act or of a lease of land or rights to mineral, servitude or prospecting contract under section ninety (1) of the Act	0	85
9.		For a certified copy of a deed, power or other document or of the entries on a folio of a register containing not more than 400 words, prepared in a Deeds Registry provided that certificates of authentication or attestation of a power shall be treated as part thereof	0	85

		For every additional 100 words or part thereof	0	15
		For any such copy if prepared by the applicant therefor, one-half of the above fees.		
10.	(a)	For any endorsement, note or act of registration not specially provided for; or		
	(b)	for a certificate by a Registrar of any fact (in addition to the fee prescribed in respect of the information contained in such certificate)	0	40
11.		For a report to Court made by a Registrar in terms of section ninety-seven of the Act	3	35
12.		For each bill of costs taxed— for each R1 or fraction thereof of the amount of the bill submitted for taxation	0	05
13.	(a)	For a search of an index to any register—		
		for each name searched whether of person or property.	0	35
	(b)	For an inspection of any one deed, document or diagram or of a register—		
		for each folio, and continuation thereof inspected	0	35
	(c)	For a search through a title (where no other method available) —		

		for each piece of land	0	35
	(d)	For any continuous search for information		
		for the first hour of such search	3	35
		for each additional hour	1	65
		Should any of the searches mentioned in this item be made by the applicant or his duly authorised agent, one-half of the fees shall be charged: Provided that in the discretion of the Registrar such half fees may also be charged in cases where access to strongrooms by members of the public is prohibited and application is made in person or by a duly authorised agent.		
	(e)	For any search not specially provided for, a fee to be fixed by the Registrar provided the minimum fee shall be	0	35
14.	For each search made by a Registrar in the Province of the Cape of Good Hope in connection with the issue of a certified copy of a lost or destroyed title deed—			
		for every hour or fraction of an hour but not to exceed R3.50 in the whole.	0	35

15.	(a)	For the cancellation of debentures registered under Act No. 43 of 1895 (Cape)—		
		for every 10 or fraction of 10 up to 100	0	35
		for every 10 or fraction of 10 after 100	0	10
	(b)	For the registration of a release of property from a debenture or an endorsement made thereon in connection with the registration of a servitude or issue of a certificate of title or any other consent given in connection with the land thereby secured —		
		for every 10 or fraction of 10 up to 100	0	85
		for every 10 or fraction of 10 after 100	0	15
16.	Upon written application being made by any divisional or municipal council or other local authority to search the registers or records of any Deeds Registry, the Registrar, upon being satisfied that the information is required to enable such council or local authority to carry out its statutory powers or duties, may allow such search to be made upon payment of one-fifth of the prescribed fee or fees unless provision be made in any law allowing such searches to be made on behalf of such council or local authority without charge or at a higher or lower charge: Provided that where any information is supplied to a local authority on application the charge shall be 15 cents per entry.			
17.	When particulars of all bonds are taken regularly from any register for publication in a newspaper or periodical, there shall be paid, if the Registrar is satisfied that the publication in such newspaper or periodical serves a public purpose, a fee in respect of each bond of five cents if taken direct from the bond. If from the current register the same fees as for copies of deeds provided such information be extracted at the same time.			

Exemptions

1. Any person engaged, in research work of an historical character or of general public interest may be permitted, subject to such conditions as the registrar may stipulate, to search the records and registers tree of the payment of fee: Provided that when an applicant is a student of a university incorporated by an Act of the Republic he shall produce a certificate from the principal thereof, any other person a certificate from the Minister, describing in the case of each certificate the purposes for which the search is made.

2. (a) No fee shall be chargeable if the same would in the meaning of [Act No. 59 of 1962](#) or any amendment thereof, be legally payable and borne by the Republic or any Department thereof.
- (b) No fee shall be chargeable in respect of any transfer or cession of immovable property to the Republic or any Department thereof if such transfer or cession be in pursuance of a donation to or expropriation by the State of such property.
- (c) No fees shall be levied by a Registrar in respect of the performance of any act prescribed by sections three (w) and fifty-nine of the Act.

Tariff of fees and charges prescribed by Regulation 85

Note— For the purposes of this tariff—

- (a) a “folio” shall contain approximately 27 lines of approximately 8 words;

- (b) the word "letter" in Section XII shall include a telegram provided that a fee shall not be allowed for a telegram if a fee is allowed for a confirm letter. A telegram shall not attract a fee except under Section XII as above specified.

I. Preliminary work

Item		R	c	
(a)	1.	In connection with transfers (other than partition transfers):—		
	(i)	Drawing and attending at execution of deed of sale or other document of disposal (including all necessary copies), per folio or part thereof	1	75
	(ii)	Attendances, interviews, drafting conditions, taking instructions in connection with any deed of sale, for each half-hour or part thereof	3	50
	2.	Drawing power of attorney to pass transfer (other than partition transfer) including declarations for transfer duty purposes, and paying transfer duty, when the land is of value:—		
		R200 and under	3	50
		Over R200 and up to R400	5	25
		Over R400 and up to R1,000	7	00
		Over R1,000 and up to R4,000	8	75
		Over R4,000 and up to R10,000	10	50
		Thereafter	17	50
		of which two-thirds shall be for the drawing of the power of attorney and one-third for the drawing of the declarations and paying transfer duty.		
		Where more than two properties are being transferred, an additional fee for every additional two properties or part thereof	0	85

3.	Framing new conditions or servitudes or materially altering or adjusting existing conditions or servitudes, and inserting in power to transfer or to take out certificate of title per folio or part thereof	1	75
(b)	In connection with partition transfers:—		
	Framing agreement embodying power or agreement and separate power and declarations for transfer duty purposes and paying transfer duty when necessary. The fee charged to be according to length and complexity, regard being had especially to the number of persons and properties involved, the number, nature and complexity of conditions or servitudes inserted, and the number of transfers to be passed with a minimum of:—		
	In the case of erven or lots	10	50
	In the case of other land	14	00
(c)	In connection with bonds:		
1.	Attendance on instructions and drawing power, including attendance at execution—		
	(a)	In the case of auxiliary surety or notarial bonds	7 00
	(b)	In the case of other bonds: When the amount is:	
		R200 or under	3 50
		Over R200 and up to R400	5 25
		Over R400 and up to R1,000	7 00
		Over R1,000 and up to R4,000	8 75
		Over R4,000 and up to R10,000	10 50
		Thereafter	17 50
		Where more than two properties are to be	0 85

		mortgaged, an additional fee for every additional two properties or part thereof		
	2.	Framing power to insert suretyship or waiver in bond	1	75
	3.	Framing tacit declaration	1	75
(d)	Other powers:			
	1.	Framing a full general power	3	50
	2.	Framing a special power, per folio or part thereof	1	75
		But not to exceed	5	25

II. Transfers and Certificates of Title

Item		R	c	
1.	Drawing each transfer, including one copy for Registry, and attendances on lodgment and execution, when the land is of value:			
	R400 and under	7	00	
	Over R400 and up to R1,000	10	50	
	Over R1,000 and up to R2,000	14	00	
	Over R2,000 and up to R20.000 an additional fee, for every R2,000 or part, of	3	50	
	Over R20.000 and up to R100,000 an additional fee, for every R4,000 or part, of	3	50	
	Over R100,000 and up to R200,000 an additional fee, for every R10,000 or part, of	3	50	
	Thereafter an additional fee, for every R20,000 or part, of	3	50	
2.	Drawing each of the following deeds including one copy for Registry and attendance on lodgment and execution and framing application where necessary:—			
	(a)	Certificate of registered State title under section 18, certificate of registered title under sections thirty-four, thirtyfive, thirty-six, thirty-nine and forty-three of the Act	7	00

(b)	Certificate of registration under section sixty-four of the Act	7	00
(c)	Certificate of registered title under section thirty-eight of the Act	10	50
(d)	Certificate of township or settlement title under section forty-six of the Act	10	50
(e)	Certificate of rights to minerals under sections seventy-one, seventy-two, seventy-three and seventy-four of the Act	10	50
(f)	Certificate of consolidated title under section forty of the Act	14	00
(g)	Certificate of amended title under section forty-one of the Act	14	00
(h)	Certificate of uniform title under section forty-two of the Act	14	00
	Partition transfer under section twenty-six of the Act		
(j)	Of an erf	10	50

	(k)	Of other land	14	00
3.	If more than one piece of land is included in the same transfer or certificate, an additional fee for each additional property		1	75
4.	(i)	Framing for first insertion and inserting in a partition transfer referred to in item 2 (k) of this tariff. conditions or servitudes, an additional fee, per folio or part thereof, of additional matter, of	1	75
	(ii)	Repeating existing conditions of any deeds referred to in Items 1 and 2 in a subsequent deed, or the insertion of conditions created by virtue of statutory authority in a transfer from a township or a settlement owner, per folio	1	25
5.	If a transfer or certificate is to be lodged in triplicate, an additional fee of		1	75
6.	Attendance on behalf of transferor or transferee superintending conveyance from or to him when deed prepared and lodged by another conveyancer:—			
	(a)	When the value of the land does not exceed R1,000	3	50

	(b)	When the value of the land exceeds R1,000 but does not exceed R6,000	7	00
	(c)	When the value of the land exceeds R6,000	10	50
7.	Framing acceptance of servitude by a third party in terms of section seventy-six (1) (c) of the Act		3	50

III. Mortgage bonds

(The amount of preference for costs shall not be taken into account in calculating the fees.)

Item		R	c
1.	Drawing each bond, including one copy for Registry and attendances on lodgment and execution, when the amount of the bond is—		
	R400 and under	7	00
	Over R400 and up to R1,000	10	50
	Over R1,000 and up to R2,000	14	00
	Over R2,000 and up to R20,000, an additional fee, for every R2,000 or part, of	3	50
	Over R20,000 and up to R100,000, an additional fee, for every R4,000 or part, of	3	50
	Over R 100,000 and up to R200,000, an additional fee, for every R10,000 or part, of	3	50
	Thereafter an additional fee, for every R20,000 or part, of	3	50
	Where more than two properties are mortgaged, an additional fee for every additional two properties or part thereof	0	85
2.	Any act of suretyship where immovable property is hypothecated, or waiver when included in a bond, an additional fee for such suretyship or waiver of	3	50
3.	Attendance on behalf of mortgagor or mortgagee superintending bond when same is prepared and lodged by another conveyancer:—		
	(a)	When the amount of the bond	3 50

		does not exceed R1,000		
	(b)	When the amount of the bond exceeds R1,000 but does not exceed R6,000	7	00
	(c)	When the amount of the bond exceeds R6,000	10	50
4.	If a bond is to be lodged in triplicate an additional fee of		1	75

IV. Notarial bonds

(The amount of preference for costs shall not be taken into account in calculating the fees.)

Item		R	c
1.	Drawing bond including minute, signed original for record and another signed original, grosse or notarially certified copy, and attendances on execution and attestation, when the amount of the bond is—		
	R 1,000 and under	17	50
	Over R1,000 and up to R2.000	21	00
	Over R2,000 and up to R20,000, an additional fee, for every R2,000 or part, of	3	50
	Over R20,000 and up to R100,000, an additional fee for every R4.000 or part, of	3	50
	Over R100,000 and up to R200.000, an additional fee for every R 10.000 or part, of	3	50
	Over R200,000. an additional fee, for every R20,000 or part, of	3	50
2.	Any act of suretyship included in a notarial bond, an additional fee for such suretyship of	3	50
3.	Attendance registering such bond at a Deeds Registry	3	50
	If bond received from another centre is rejected for amendment or other valid reason necessitating searches, investigations.	1	75

	attendances or correspondence, or if such services are necessarily rendered prior to lodgement, additional fees as prescribed under "Miscellaneous" and "Work not Specified". with a minimum of		
4.	For each additional original, grosse or certified copy (not being a carbon copy) for registration in each additional Registry, per folio or part thereof	0	85
5.	Attendance registering bond in a Registry after previous registration in another Registry (section sixty-two of the Act)	3	50

V. Auxiliary or surety bonds

(The amount of preference for costs shall not be taken into account in calculating the fees.)

Item		R	c
1.	Drawing mortgage bond to be passed as additional security for another bond or a surety Re bond, including one copy for Registry and attendances on lodgment and execution	10	50
2.	If such bond is to be lodged in triplicate an additional fee of	1	75
3.	Drawing auxiliary or surety notarial bond, including minute, signed original for record and another signed original, grosse or notarially certified copy, and attendances on execution and attestation	14	00
4.	Attendance registering auxiliary or collateral notarial bond	3	50
	If bond received from another centre is rejected for amendment or other valid reason necessitating searches, investigations, attendances or correspondence or if such services are necessarily rendered prior to lodgment, additional fees as prescribed under "Miscellaneous" and "Work not Specified", with a minimum of	1	75

5.	For each additional original, grosse or certified copy (not being a carbon copy) for registration in each additional Registry, per folio or part thereof	0	85
6.	Attendance registering bond in a Registry after previous registration in another Registry (section sixty-two of the Act)	3	50

VI. Marriage contracts

Item		R	c
1.	Drawing contract, including minute, signed original for record and another signed original, grosse or notarially certified copy, attendances on execution and attestation when no settlement is made or trust or testamentary disposition is embodied	5	25
2.	If contract contains a settlement, trust or testamentary disposition, an additional fee for minute and all copies, per folio or part thereof of	1	75
3.	Framing and issuing notarially certified copy of a contract executed outside the Republic for registration in a Deeds Registry, or of any contract for filing in a Deeds Registry, per folio or part thereof	0	85
	With a minimum of	1	75
4.	Attendances registering contracts under 1 and 3 above	3	50

VII. Other notarial deeds

Item		R	c
1.	Framing any notarial waiver of preference by mortgagee, usufructuary or other holder of a limited interest, or other notarial consent required under the Act or regulations, including minute, signed original for record and another signed original, grosse or notarially certified copy	10	50
2.	Framing any notarial lease, servitude, prospecting contract, donation, cession of a land settlement lease or other notarial - deed (other than those provided for above and in 3), including minute, signed original (when necessary) grosse or notarially certified copy for record, and another signed original, grosse or notarially certified copy, according to the length and complexity thereof, with a minimum of	14	00
3.	Framing any notarial lease or cession of rights to minerals including minute and two signed originals, grosses or notarially certified copies thereof, when the purchase price or value is—		
	R2,000 or under	14	00
	Over R2,000 and up to R20,000. an additional	3	50

	fee, for every R2,000 or part, of		
	Over R20,000 and up to R100.000, an additional fee, for every R4,000 or part, of	3	50
	Over R 100,000 and up to R20,000, an additional fee, for every R10.000 or part, of	3	50
	Thereafter an additional fee, for every R20,000 or part, of	3	50
4.	Framing notarial cession of any notarial deed mentioned in 2, including minute and two signed originals, grosses or notarially certified copies, per folio R1.75, with a minimum of	7	00
5.	Preparing and issuing each further signed original grosse or notarially certified copy, of any of 1, 2, 3 or 4, in original type, per folio	0	85
	Each additional carbon copy duly attested	1	75
	NOTE.—Original type allowed for first and every fourth copy.		
6.	Attendance registering any deed under 1, 2, 3 or 4 above	3	50
	If deed received from another	1	75

	centre is rejected for amendment or other valid reason necessitating searches, investigations, attendances or correspondence, or if such services are necessarily rendered prior to lodgment, additional fees as prescribed under "Miscellaneous" and "Work not Specified", with a minimum of		
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VIII. Cession, reduction, release, cancellation etc., of bonds

Item		R	c
1.	Drawing cession, consent to cancellation of cession, or consent to cancellation of bond, reduction of capital or releases of person or property, and attending on signature thereof	1	75
2.	Attendance registering each of the abovementioned	3	50
	If documents received from another centre are rejected for amendment or other valid reason necessitating searches, investigations, attendances or correspondence, or if such services are necessarily rendered prior to lodgment, additional fees as prescribed under "Miscellaneous" and "Work not Specified", with a minimum of	1	75

IX. Underhand waivers, consents of mortgagees, usufructuaries, lessees, etc.

Item		R	c
1.	Framing waiver of preference in regard to the ranking of a bond	1	75
2.	Framing consent of mortgagee, usufructuary, lessee or holder of other limited interest, required by the Act or regulations not otherwise provided for in this tariff (notnotarial)	3	40
3.	Framing consents under section fifty-seven of the Act, including attendances on mortgagee and new debtor	7	00
4.	Framing agreement or consent to variations of terms of bond, including attendances on mortgagor and mortgagee	3	50
5.	Attendance registering each of the documents mentioned in 1, 2, 3 or 4 above, if registered	3	50
	If documents received from another centre are rejected for amendment or other valid reason necessitating searches, investigations, attendances or correspondence, or if such services are necessarily rendered prior to lodgment, additional fees as	1	75

	prescribed under "Miscellaneous" and "Work not Specified", with a minimum of		
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X. Miscellaneous

Item		R	c	
1.	Drafting form of resolution	1	75	
2.	Issuing or arranging issue of each guarantee and attending to payment thereof	3	50	
3.	(i)	Attending on receipt of each guarantee and payment thereof	1	75
	(ii)	Certifying for payment a guarantee issued from another centre	1	75
4.	In cases where transactions are dependent upon other deeds by other practitioners, a fee for forwarding documents to registration centre and instructing fully	1	75	
5.	Attendances on other conveyancers arranging preparation or lodging of interdependent deeds, from	1	75	
	to	5	25	
6.	Attendances at office of Master or other proper office and obtaining copies of documents required to complete deed or conveyance or registration (exclusive of searches).	1	75	
7.	Attendances at office of Master, or other proper office and obtaining certificate under Death Duties Act	1	75	
8.	Attendance at office of the Master, applying for and obtaining certificate or consent required from him under Act No. 24 of 1913 for registration	3	50	

	purposes in a Deeds Registry (including inspection of will, etc.)		
9.	Attendances at public or local authority offices (e.g. for clearance certificates, etc., or in connection with bonds), for any number of attendances at each office	1	75
10.	Attendances and searching in Deeds, Master's or other offices in connection with servitudes or other particulars or information necessarily required for the preparation, lodgment or registration of deeds, per half-hour or part	1	75
11.	Attendances, searching for tacit hypothecations in connection with a bond to be passed in respect of each debtor	5	25
12.	Attendance at Deeds Registry, lodging titles and arranging for endorsement under Act. No. 24 of 1913 or under section forty-five of the Act	3	50
13.	Obtaining and lodging bond (or having same lodged) for endorsement re certificate of registered title taken out	3	50
14.	Drawing any application required under the Act or by a Registrar	1	25
15.	Attendances on inspecting, checking, arranging and. lodging for endorsement of amendment of title under section 44	3	50
16.	Attending Deeds Registry for certificate of any act of registration required	3	50
17.	Attending registration of noting of renewal, cancellation or amendment of any deed, not otherwise provided for	3	50
18.	Framing any necessary affidavit or declaration, or other document not	1	75

	otherwise provided for, per folio or part thereof			
19.	Framing affidavits or certificates under regulation 49 of Act No. 18 of 1936 , as amended		0	40
20.	Attendance on and lodging title-deed for endorsement of layout of township or settlement under section forty-six of the Act		3	50
21.	Procuring registration of change of name under section ninety-three of the Act, a minimum of		7	00
22.	(i)	Attendance registering any power	3	50
	(ii)	Preparing and giving notice to Registrar of cancellation of any power	1	75
23.	Attendance and search at Deeds Registry for information required, per half hour or part.		1	75
	Reporting, per folio		0	85
24.	Drawing cession of any policy of insurance in connection with preparation or registration of a deed, and attendance on registration thereof at proper office		1	75
25.	Attendances in connection with conversion of leasehold into freehold under provisions of Townships Amendment Act, 1908 (Transvaal), for every ten stands or lots or fraction of ten		3	50
26.	Drawing cessions of leases in connection with transfer of leasehold property and attendances in respect thereof at a township owner's office		3	50

	(Transvaal), for every ten stands or lots or fraction of ten		
27.	Preparing and issuing grosse or notarially certified copy of any notarial deed or other document, not provided for above:		
	In original type, per folio	0	85
	Each carbon copy duly attested Note to Section VII 5 applies.	1	75
28.	Framing notice to apply for issue of certified copy of a deed, and attendances on publication thereof	3	50
29.	Attendances in obtaining certified copy of any deed from Deeds Registry and filing of necessary documents	3	50
30.	Furnishing proof to the Master of the registration of any estate transfer	1	75

XI. Diagrams and general plans

Item		R	c
1.	Attendance on instructions re subdivision and to submit papers to surveyor for framing of subdivisional or other diagrams for any purpose required under the Act or regulations and instructing surveyor accordingly, per half hour	1	75
2.	Attendance submitting diagrams to Surveyor-General for approval	1	75
	When two or more diagrams so submitted are to be deducted from the same original and are submitted simultaneously, the fee for each diagram after the first is	0	85
3.	Attendance submitting diagrams to SurveyorGeneral for approval when a diagram is required in connection with a deed to be passed at a Deeds Registry elsewhere, for the first set	3	50
	Thereafter per set lodged simultaneously	0	85
4.	Attendance on municipal or other local authority to obtain approval, in terms of any law,	3	50

	of sub-divisional diagrams		
5.	Attendance in obtaining certified copy of any diagram including application	3	50

XII. Work not specified

Item		R	c
1.	All fees or charges specified in the above tariff shall; save as is otherwise provided, cover the specific respective services set opposite each respective item only. Fees or charges for all other attendances, correspondence or services may be allowed at the discretion of the Registrar, and if so allowed the following scale shall apply:—		
	Any attendance per half hour	1	75
	Any letter per folio or part thereof	0	85
	Drawing of any document per folio or part thereof	1	75
	Copies of documents, per folio or part thereof	0	85
2.	Attendances on taxation, including drawing of bill and notice of taxation, on the amount of fees allowed on taxation: 5 per cent.		

XIII. Apportionment of fees under Section ten (4) of the Act

- (a) Item applicable to the Province of the Cape of Good Hope [exclusive of the areas referred to in paragraphs (a) and (b) of the Second Schedule to the Act] and to the Province of the Transvaal [including the area referred to in paragraph (h) of the aforesaid Schedule];

Where in this tariff provision is made for one fee for drawing, lodging, executing or registering any deed of transfer, certificate of registered or other title to land, minerals or other real rights, or mortgage bond, and such deed is drawn by one conveyancer and is lodged and executed or registered by another conveyancer, one fourth of the fee prescribed

therefor shall be the separate fee of the former and three-fourths thereof shall be the separate fee of the latter; provided that if such deed is rejected—

(1)

on the ground that same requires amendment, the latter conveyancer shall be entitled to charge an additional fee, for attendances, searches, or correspondence thereby occasioned.	1	75
to	3	50

(2) on other grounds necessitating investigations, drawing or copying of documents, attendance or correspondence, the latter conveyancer shall be entitled to charge such additional fees as are prescribed under “Miscellaneous” or “Work not Specified” or other relative section of this tariff, in respect of any such services rendered by him in complying with the Registrar’s requirements or at the request of the first-mentioned conveyancer.

The foregoing apportionment of my fees prescribed for the drawing and execution of notarial deeds or bonds shall also apply if any such deed or bond is drawn by one notary and is executed before another and such apportionment shall be the separate fees of the respective notaries.

(b) Item applicable to the Province of the Orange Free State and to the area referred to in paragraph (h) of the Second Schedule to the Act:

Where in this tariff provision is made for one fee for drawing, lodging, and executing any deed, and such deed is drawn by one conveyancer and lodged and executed by another conveyancer, one-third of the fee prescribed therefor shall be the separate fee of the latter and the remaining two-thirds the separate fee of the former.

(c) Item applicable to the Province of Natal:

Where in this tariff provision is made for one fee for drawing, lodging, and executing any deed, and such deed is drawn by one conveyancer and lodged and executed by another conveyancer, three rand fifty cents of the fee prescribed shall be the separate fee of the latter and the remainder the separate fee of the former.

[paragraph (c) amended by [Government Notice R557 of 1963](#)]

(d) Item applicable to the area referred to in paragraph (a) of the Second Schedule to the Act:

Where in this tariff provision is made for one fee for drawing, lodging, executing or registering any deed of transfer, certificate of registered or other title to land, minerals or other real rights, or mortgage bond, and such deed is drawn by one conveyancer and is lodged and executed or registered by another conveyancer, one-half of the fee prescribed therefor shall be the separate fee of the former and one-half thereof shall be the separate fee of the latter; provided that if such deed is rejected the provisions of paragraphs (1) and (2) of the proviso to paragraph (a) hereof shall apply.

The foregoing apportionment of any fees prescribed for the drawing and execution of notarial deeds or bonds shall also apply if any such deed or bond is drawn by one notary and is executed before another and such apportionment shall be the separate fees of the respective notaries.

Forms

[Editorial note: The forms have not been reproduced.]