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[No. 1078.]

GOVERNMENT NOTICE.

DEPARTMENT OF LANDS.

No. R. 493.]

[2 April 1965.]

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), the subjoined regulations made by the Deeds Registries Regulations Board in terms of section ten of the said Act with effect from the 3rd May, 1965.

The regulations published in Government Notice No. R. 474 of the 29th March, 1963, as amended by Government Notices Nos. R. 557 of the 26th April, 1963, and R. 1251 of the 14th August, 1964, are amended as follows:—

1. The words "regulation" and "regulations" are hereby substituted for the words "section" and "sections" respectively, the word "sub-regulation" for the word "sub-section" and for the word "clause", and the word "sub-regulations" for the word "sub-sections" and for the word "clauses" wherever they occur in the said regulations, except where sections or sub-sections of any Act are referred to.

2. The following new regulation is hereby substituted for regulation 14:—

"14. (1) When a township or settlement register is opened in respect of a township established under any law relating to townships or a settlement established under the law relating to settlements, particulars regarding such township or settlement shall be recorded in an introductory folio incorporated in the relevant register.

A—6144537

GOEWERMENTSKENNISGEWING.

DEPARTEMENT VAN LANDE.

No. R. 493.]

[2 April 1965.]

Dit het die Staatspresident behaag om kragtens sub-artikel (11) van artikel nege van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), sy goedkeuring te heg aan onderstaande regulasies deur die Registrasie-regulasieraad kragtens artikel tien van gemelde Wet met ingang van 3 Mei 1965 uit te vaardig.

Die regulasies in Goewermentskennisgewing No. R. 474 van 29 Maart 1963 afgekondig, soos gewysig deur Goewermentskennisgewings Nos. R. 557 van 26 April 1963 en R. 1251 van 14 Augustus 1964, word hierby soos volg gewysig:—

1. Die woorde „artikel” en „artikels” word hierby deur onderskeidelik die woorde „regulasie” en „regulasies” vervang, die woorde „subartikel” en „klousule” deur die woord „subregulasie”, en die woorde „subartikels” en „klousules” deur die woord „subregulasies”, oral waar hulle in genoemde regulasies voorkom, behalwe waar na artikels of subartikels van enige Wet verwys word.

2. Regulasie 14 word hierby deur die volgende nuwe regulasie vervang:—

„14. (1) Wanneer 'n dorps- of nedersettings-register geopen word ten opsigte van 'n dorp gestig kragtens enige wetsbepaling op dorpe- of 'n nedersetting gestig kragtens enige wetsbepaling op nedersettings, moet besonderhede ten opsigte van sodanige dorp of nedersetting op 'n skutblad, ingelyf in die betrokke register, aangeteken word.

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(2) There shall be recorded on such introductory folio—

- (i) the registration of any transfer under the provisions of section *forty-seven* of the Act of the whole or any portion or share in a township or settlement and such transfer shall not be recorded against any individual folios of such register;
- (ii) any other registration affecting the land comprising the township or settlement other than registrations in respect of individual erven or lots;
- (iii) any endorsement, note or record that is required to be made in respect of such township or settlement: Provided that if after the partial cancellation of a general plan of a township or settlement under any law, the whole or any portion of the land affected by such cancellation is dealt with in accordance with a diagram of such whole or portion, the registration of any title deed registered in respect thereof shall revert to the land register folio of the land on which the township or settlement was established.

(3) When any piece of land that has been separately registered is re-designated as a result of the total or partial cancellation of a general plan of a township or settlement in respect of which an introductory folio has been opened, the current registration of any title deed registered in respect thereof shall revert to the land register folio of the land on which the township or settlement was established."

3. Regulation 17 is hereby amended by the deletion from paragraph (b) of sub-regulation (1) of the words "and post nuptial".

4. Regulation 18 is hereby amended by the deletion therefrom of sub-regulations (2), (3) and (5) and the re-numbering of sub-regulation (4) as sub-regulation (2).

5. Regulation 26 is hereby amended by the deletion therefrom of the words "last-mentioned".

6. Regulation 28 is hereby amended by the insertion in sub-regulation (2) after the word "land" where it occurs for the second time, of the words "or any interest therein".

7. Regulation 30 is hereby amended by the addition at the end thereof of the following proviso:—

"Provided that where the denominator of the fraction exceeds two figures, the fraction shall be expressed as a six figure decimal."

8. Regulation 35 is hereby amended by the addition at the end thereof of the following new sub-regulation:—

"(7) If a deed conferring title to land contains conditions which operate pending the establishment of a local authority and a local authority has been established, all such conditions shall be omitted from any subsequent deed conferring title to such land: Provided that no such conditions shall be omitted unless it is clear from the wording thereof that such conditions lapse on the establishment of a local authority."

9. Regulation 39 is hereby amended—

- (a) by the insertion, in the English version, after the word "copy" of the word "of"; and

(2) Op sodanige skutblad moet aangeteken word—

- (i) die registrasie van enige transport kragtens die bepalings van artikel *sewe-en-veertig* van die Wet, van 'n hele dorp of nedersetting of enige gedeelte daarvan of aandeel daarin, en sodanige transport moet nie op enige individuele folio's van sodanige register aangeteken word nie;
- (ii) enige ander registrasie wat betrekking het op die grond wat die dorp of nedersetting uitmaak, behalwe registrasies ten opsigte van individuele erwe of persele;
- (iii) enige endossement, nota of aantekening wat gemaak moet word ten opsigte van sodanige dorp of nedersetting: Met dien verstande dat, indien na die gedeeltelike kansellasië van 'n algemene plan van 'n dorp of nedersetting kragtens enige Wet, die grond, of enige gedeelte daarvan, waarop sodanige kansellasië betrekking het, mee gehandel word volgens 'n kaart van sodanige grond of gedeelte daarvan, die registrasie van enige titelakte ten opsigte daarvan geregistreer na die grondregisterfolio van die grond waarop die dorp of nedersetting gestig is, terugval.

(3) Wanneer enige stuk grond wat afsonderlik geregistreer is, hernoem word as gevolg van 'n hele of gedeeltelike kansellasië van 'n algemene plan van 'n dorp of nedersetting ten opsigte waarvan 'n skutblad geopen is, val die jongste registrasie van enige titelakte ten opsigte daarvan geregistreer, terug na die grondregisterfolio van die grond waarop die dorp of nedersetting gestig is."

3. Regulasie 17 word hierby gewysig deur in paragraaf (b) van subregulasie (1) die woorde „en na-huweliks-voorwaardekontrakte” te skrap.

4. Regulasie 18 word hierby gewysig deur subregulasies (2), (3) en (5) daarvan te skrap en die bestaande subregulasie (4) as subregulasie (2) te hernoem.

5. Regulasie 26 word hierby gewysig deur die woord „laasgenoemde” deur die woord „sulke” te vervang.

6. Regulasie 28 word hierby gewysig deur in subregulasie (2) na die woord „grond” waar dit die tweede maal voorkom, die woorde „of enige belang daarin” in te voeg.

7. Regulasie 30 word hierby gewysig deur aan die end daarvan die volgende voorbehoudsbepaling by te voeg:—

„Met dien verstande dat waar die noemer van die breuk twee syfers oorskry, die breuk as 'n ses-syfer-desimaal uitgedruk word."

8. Regulasie 35 word hierby gewysig deur aan die end daarvan die volgende nuwe subregulasie by te voeg:—

„(7) As 'n akte wat reg op grond verleen, voorwaardes bevat wat van krag is in afwagting van die stigting van 'n plaaslike owerheid, en 'n plaaslike owerheid gestig is, moet al sodanige voorwaardes weggelaat word uit enige volgende akte waarby reg op sodanige grond verleen word: Met dien verstande dat geen sodanige voorwaardes weggelaat word nie tensy dit uit die bewoording daarvan duidelik blyk dat sodanige voorwaardes by die stigting van 'n plaaslike owerheid wegval."

9. Regulasie 39 word hierby gewysig—

- (a) deur in die Engelse teks, na die woord „copy”, die woord „of” in te voeg; en

(b) by the addition at the end thereof of the following words:—

“Should a duplicate not have been furnished, a Registrar shall accept a copy certified by a conveyancer or notary. The original shall be retained by the Registrar and the certified copy as aforesaid shall be annexed to the bond.”

10. Regulation 40 is hereby amended by the addition at the end of sub-regulation (3) of the following words:—

“Should a duplicate not have been furnished, a Registrar shall 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 copy as aforesaid shall be furnished for annexure to each additional bond.”

11. Regulation 44 is hereby amended in the English version by the substitution for the year “1928” of the year “1938”.

12. Regulation 45 is hereby amended by the substitution for paragraph (b) of sub-regulation (2) of the following paragraph:—

“(b) where more than one person is a party to a notarial deed affecting immovable property (other than a prospecting contract), in which case there shall be lodged an additional duplicate original, grosse or certified copy in respect of each title deed involved and each additional party to the deed who is not an owner of the immovable property affected. Save as is otherwise provided in section fifty-five of Act No. 34 of 1908 (Transvaal), the registry duplicate and one other deed alone shall bear the signature of the registrar, and each additional copy shall be endorsed with the words ‘Issued for Information only’. The registrar may in his discretion accept a lesser number of duplicate originals or grosses or certified copies.”

13. Regulation 47 is hereby amended by the insertion after the word “bond” where it occurs for the second time of the words “other than a bond passed to secure future advances”.

14. Regulation 49 is hereby amended in the English version by the substitution in paragraph (e) of sub-regulation (1) for the word “being” of the word “taken”.

15. Regulation 51 is hereby amended by the insertion in sub-regulation (1) after the word “provided” of the words “in the Act and”.

16. Regulation 65 is hereby amended by the addition at the end of sub-regulation (2) after the word “Republic”, of the words “or the Territory of South-West Africa”.

17. Regulation 67 is hereby amended by the insertion after the word “agent”, of the words “or on behalf of any State Department”.

18. Regulation 68 is hereby amended—

(a) by the insertion in sub-regulation (1) after the word “lease”, of the words “or sub-lease or registered cession thereof”, and by the addition at the end of that sub-regulation of the following proviso:—

“Provided that where a Registrar is satisfied that any deed mentioned in this paragraph has been inadvertently lost, destroyed, defaced or damaged by him, it shall be competent for him to issue a copy thereof gratis and without the publication of the notice prescribed by sub-regulation (4).”;

(b) deur aan die end daarvan die volgende woorde by te voeg:—

„As geen duplikaat verskaf is nie, moet ’n Registrateur ’n afskrif aanneem wat deur ’n transportbesorger of ’n notaris gewaarmerk is. Die origineel moet deur die Registrateur gehou word en die gewaarmerkte afskrif soos voornoem, aan die verband geheg word.”

10. Regulasie 40 word hierby gewysig deur aan die end van subregulasie (3) die volgende woorde by te voeg:—

„As geen duplikaat verskaf is nie, moet ’n Registrateur ’n kopie aanneem wat deur ’n transportbesorger of ’n notaris gewaarmerk is. Die origineel moet deur die Registrateur gehou word en die duplikaat of gewaarmerkte kopie soos voornoem, aan die verband geheg word. Wanneer die magtiging op meer as een verband betrekking het, moet ’n addisionele duplikaat of kopie soos voornoem verstrek word vir aanhegting aan elke addisionele verband.”

11. Regulasie 44 word hierby gewysig deur in die Engelse teks die jaar „1928” deur die jaar „1938” te vervang.

12. Regulasie 45 word hierby gewysig deur paragraaf (b) van subregulasie (2) deur die volgende paragraaf te vervang:—

„(b) waar meer as een persoon ’n party is by ’n notariële akte met betrekking tot onroerende goed (uitgesonderd ’n prospektteerkontrak), in welke geval ’n addisionele duplikaat-origineel, grosse of gewaarmerkte afskrif ingedien moet word ten opsigte van elke betrokke titelakte en elke addisionele party by die akte wat nie ’n eienaar van die betrokke onroerende goed is nie. Behalwe vir sêver artikel vyf-en-vyftig van Wet No. 34 van 1908 (Transvaal) anders bepaal, moet die registrasie-duplikaat en slegs een ander akte deur die Registrateur onderteken word, en elke addisionele afskrif moet met die woorde „Alleen vir inligting uitgereik” geëndosseer word. Die Registrateur kan na goeddunke ’n kleiner getal duplikaat-originele, of grosse, of gewaarmerkte afskrifte aanneem.”

13. Regulasie 47 word hierby gewysig deur na die woord „verband” waar dit die tweede maal voorkom, die woorde „behalwe ’n verband ter versekering van toekomstige voorskotte” in te voeg.

14. Regulasie 49 word hierby gewysig in die Engelse teks deur in paragraaf (e) van subregulasie (1) die woord „being” deur die woord „taken” te vervang.

15. Regulasie 51 word hierby gewysig deur in sub-regulasie (1) na die woord „bepaal” die woorde „in die Wet en” in te voeg.

16. Regulasie 65 word hierby gewysig deur in sub-regulasie (2), na die woord „Republiek”, die woorde „of die gebied Suidwes-Afrika” in te voeg.

17. Regulasie 67 word hierby gewysig deur na die woord „agent” die woorde „of ten behoeve van enige Staatsdepartement” in te voeg.

18. Regulasie 68 word hierby gewysig—

(a) deur in subregulasie (1) na die woord „huurkontrak” die woorde „of onderhuurkontrak of geregistreerde sessie daarvan” in te voeg, en aan die end van die subregulasie die volgende voorbehoudsbepaling by te voeg:—

„Met dien verstande dat waar ’n Registrateur oortuig is dat enige akte waarna in hierdie paragraaf verwys word, onopsetlik deur hom verloor, vernietig, geskend of beskadig is, hy ’n afskrif daarvan gratis kan uitreik, sonder publikasie van die kennisgewing voorgeskryf in sub-regulasie (4).”;

- (b) by the insertion in sub-regulation (2) after the word "lease", of the words "or sub-lease or registered cession thereof";
- (c) by the insertion in sub-regulation (8) after the word "lease" wherever it occurs, of the words "or sub-lease or registered cession thereof";
- (d) by the insertion in sub-regulation (9) after the word "lease", of the words "or sub-lease or registered cession thereof", and after the word "leases" wherever it occurs, of the words "or sub-leases or registered cessions thereof", and
- (e) by the insertion in sub-regulation (10) after the word "lease", of the words "or sub-lease or registered cession thereof".

19. Regulation 73 is hereby amended by the insertion in sub-regulation (2) at the end of the first proviso of the words:—

"Provided further that any other servitude may, at the discretion of the Surveyor-General, be registered if he is satisfied that such servitude can be plotted on the diagram of the land affected: Provided further that a diagram need not be annexed to each copy of a deed creating or defining a servitude if such servitude is represented on a general plan filed in a Deeds Registry."

FORMS PRESCRIBED BY REGULATION 82.

20. Form A is hereby renumbered A (1), and the following new form inserted as A (2):—

(Please see annexed specimen form at the end of these regulations.)

21. Form T is hereby amended by the insertion of the following preparation clause at the head of the form:

"Prepared by me,

.....
Attorney.

Notary.

Conveyancer."

22. Form W is hereby amended—

(a) by the insertion of the following preparation clause at the head of the form:

"Prepared by me,

.....
Attorney.

Notary.

Conveyancer."

(b) by the addition of the following further footnote:—

"In the case of a covering bond the amount owing need not be disclosed and if bond is being substituted for a lesser amount, a reduction of cover must be noted."

- (b) deur in subregulasie (2) na die woord "huurkontrak", die woorde "of onderhuurkontrak of geregistreerde sessie daarvan" in te voeg;
- (c) deur in subregulasie (8) na die woord "huurkontrak" oral waar dit voorkom, die woorde "of onderhuurkontrak of geregistreerde sessie daarvan" in te voeg;
- (d) deur in subregulasie (9) na die woord "huurkontrak" die woorde "of onderhuurkontrak of geregistreerde sessie daarvan" in te voeg, en na die woord "huurkontrakte", oral waar dit voorkom, die woorde "of onderhuurkontrakte of geregistreerde sessies daarvan" in te voeg; en
- (e) deur in subregulasie (10) na die woord "huurkontrak", die woorde "of onderhuurkontrak of geregistreerde sessie daarvan" in te voeg.

19. Regulasie 73 word hierby gewysig deur in subregulasie (2) aan die end van die eerste voorbehoudsbepaling die volgende woorde in te voeg:—

„Met dien verstande voorts dat enige ander servituut, na goeddunke van die Landmeter-generaal, geregistreer kan word as hy oortuig is dat sodanige servituut op die kaart van die betrokke grond geteken kan word: Met dien verstande voorts dat dit onnodig is om 'n kaart aan elke kopie van 'n akte wat 'n servituut skep of omskryf, te heg, as sodanige servituut op 'n algemene plan gebêre in 'n registrasiekantoor aangegee word."

VORMS VOORGESKRYF DEUR REGULASIE 82.

20. Vorm A word hierby A (1) hernoem, en die volgende nuwe vorm word as A (2) ingevoeg:—

(Sien asb. voorbeeld aan die end van die Engelse teks van hierdie regulasies geheg.)

21. Vorm T word hierby gewysig deur die volgende opstelklousule bo-aan die vorm in te voeg:—

„Opgestel deur my,

.....
Prokureur.

Notaris.

Transportbesorger."

22. Vorm W word hierby gewysig—

(a) deur die volgende opstelklousule bo-aan die vorm in te voeg:—

„Opgestel deur my,

.....
Prokureur.

Notaris.

Transportbesorger."

(b) deur die volgende verdere aantekening onderaan by te voeg:—

„In die geval van 'n dekkende verband is dit onnodig om die bedrag verskuldig aan te toon, en as verband vir 'n kleiner bedrag vervang word, moet 'n vermindering in dekking aange-teken word."

23. Form LL is hereby amended by the insertion in paragraph 2 thereof before the words "to and on behalf of" of the words "together with the sum of(.....) as a preferent charge for costs and other matters", and in paragraph 4 thereof, after the word "acquainted" of the words "together with the sum of(.....) as a preferent charge for costs and other matters as more fully set out in the said principal bond."

24. Form MM is hereby amended by the addition at the end of the footnote of the words "Omit all irrelevant matter".

25. The following new form is hereby added after Form MM:—

"FORM NN.

Prepared by me,

Conveyancer.

CERTIFICATE OF RIGHTS TO MINERALS.

(In respect of rights reserved before the commencement of Act No. 47 of 1937 on land on which a township or settlement has been established.)

Issued under the provisions of section *seventy-one* of the Deeds Registries Act, 1937 (No. 47 of 1937).

Whereas has applied for the issue to him of a Certificate of Rights to Minerals under section 71 (2) *bis* (a) of the Deeds Registries Act, 1937, and whereas he is the holder of or entitled to (as the case may be) (describe the nature of the rights and any rights ancillary to such rights) in and upon certain (describe the land over which the reservation was originally made) forming the, or part of the (township or settlement) of

And whereas there have been transferred certain (erven, lots or holdings) in the aforesaid (township or settlement) and whereas the applicant is desirous of obtaining a certificate in respect of such (erven, lots or holdings):—

And whereas the said rights are at present held in respect of the said (erven, lots or holdings) as follows (here describe the properties concerned and quote the titles thereto):—

Now, therefore, pursuant to the provisions of the said Act, I, the at do hereby certify that the said heirs, executors, administrators, or assigns, is the holder of (here describe the rights reserved) in and upon (describe each erf, lot or holding, its situation, and extent, in separate paragraphs) subject and entitled to the following conditions (here set out the conditions from the title deed which are applicable):—

In witness whereof I, the said Registrar, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

Thus done and executed at the Office of the at on this day of in the year of Our Lord, One thousand Nine hundred and.....

Registrar of Deeds.
Rand Townships Registrar.

(Add a registration clause approved by the Registrar.)

23. Vorm LL word hierby gewysig deur in paragraaf 2 daarvan voor die woord „verskuldig” die woorde „tesame met die bedrag van.....(.....) as ’n preferente las vir onkoste en ander sake” in te voeg, en deur in paragraaf 4 daarvan, na die woorde „bekend is”, die woorde „tesame met die bedrag van(.....) as ’n preferente las vir onkoste en ander sake soos vollediger uiteengesit in die hoofverband” by te voeg.

24. Vorm MM word hierby gewysig deur aan die end van die aantekening die woorde „Laat weg alle ontoepaslike besonderhede” by te voeg.

25. Die volgende nuwe vorm word hierby na Vorm MM bygevoeg:—

„VORM NN.

Opgestel deur my,

Transportbesorger.

SERTIFIKAAT VAN REGTE OP MINERALE.

(Ten opsigte van regte voorbehou voor die inwerking-treding van Wet No. 47 van 1937 oor grond waarop ’n dorp of nedersetting gestig is.)

Uitgereik kragtens die bepalings van artikel *een-en-sewentig* van die Registrasie van Aktes Wet, 1937 (No. 47 van 1937).

Nademaal.....aansoek gedoen het om die uitreiking aan hom van ’n Sertifikaat van Regte op Minerale kragtens artikel *een-en-sewentig* (2) *bis* (a) van die Registrasie van Aktes Wet, 1937, en nademaal hy die houer is van, of geregtig is op (na gelang van die geval) (beskryf die aard van die regte en enige bykomstige regte), in en op sekere (beskryf die grond waaroor die voorbehoud oorspronklik gemaak is) wat die, of gedeelte van die (dorp of nedersetting) van.....uitmaak.

En nademaal sekere (erwe, persele of hoewes) in voornoemde (dorp of nedersetting) reeds getranspoteer is, en nademaal die applikant begerig is om ’n sertifikaat te verkry ten opsigte van sodanige (erwe, persele of hoewes).

En nademaal genoemde regte ten opsigte van genoemde (erwe, persele of hoewes) tans soos volg gehou word (beskryf hier die betrokke eiendomme en meld die titels daarvan):—

So is dit dat ingevolge die bepalings van genoemde Wet, ek, die.....te.....hierby sertifiseer dat voornoemde.....erfgename, eksekuteurs, administrateurs of regverkrygendes, die houer is van (beskryf hier die regte wat voorbehou is) in en op (beskryf in afsonderlike paragrawe elke erf, perseel of hewe, en meld die ligging en grootte daarvan), onderworpe aan en geregtig op die volgende voorwaardes (sit hier uiteen die voorwaardes van die titelakte wat van toepassing is):—

Ten bewyse waarvan ek, voornoemde Registrateur, hierdie Sertifikaat onderteken en met die ampeel bekragtig het.

Aldus gedoen en geteken in die kantoor van die.....te.....op hede die.....dag van.....in die jaar van Ons Heer, Eenduisend Negenhonderd.....

Registrateur van Aktes.
Registrateur van Randdorpe.

(Voeg by ’n registrasieklausule deur die Registrateur goedgekeur.)

VORM A (2).—FORM A (2).

Gedeelte Portion					Folio Folio
van of					
Grootte Area	morg morgen	vk. rde. sq. rds.	vk. vt. sq. ft.	Waar kaart gebêre is Where diagram filed	
Van inskrywingno From entry No.	Folionr. Folio No.				

AANTEKENINGE.—NOTES.

Inskrywingno. Entry No.	No. van Akte. No. of Deed.	Datum. Date.	Hoewe. Holding.	Van inskrywing. From entry.	Grootte. Area.	Transport- gewer. Trans- feror.	Transportnemer en identifikasie. Transferee and identification.	Ver- bande. laste. Bonds, Charges.	Servi- tute, ens. Servi- tudes, etc.	Minus in- skry- wing. Minus entry.	Restant. Remainder.

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