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GOVERNMENT NOTICE

DEPARTMENT OF PUBLIC WORKS AND LAND AFFAIRS

No. R. 109

27 January 1989

DEEDS REGISTRIES ACT, 1937 (ACT 47 OF 1937)

REGULATIONS

The Deeds Registries Regulation Board has, under section 10 of the Deeds Registries Act, 1937 (Act 47 of 1937), read with section 5 of the Conversion of Certain Rights to Leasehold Act, 1988 (Act 81 of 1988), with the approval of the Deputy Minister of Land Affairs, made the regulations contained in the Schedule hereto.

SCHEDULE

Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Act bears that meaning, and, unless the context otherwise indicates—

“declaration” means a declaration referred to in regulation 2;

“the Act” means the Conversion of Certain Rights to Leasehold Act, 1988 (Act 81 of 1988).

Preparation of declaration

2. (1) The declaration contemplated in section 4 (1) of the Act shall be prepared by the secretary.

(2) A declaration shall not refer to more than one site.

(3) A declaration shall be on durable paper of good quality of the size known as A4 standard paper.

(4) The lettering in a declaration shall be—

(a) typed, printed or neatly and plainly written by hand;

(b) not less than 2 mm in height; and

(c) in black ink of a good quality.

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN OPENBARE WERKE EN GRONDSAKE

No. R. 109

27 Januarie 1989

REGISTRASIE VAN AKTES WET, 1937
(WET 47 VAN 1937)

REGULASIES

Die Registrasieregulasieraad het kragtens artikel 10 van die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937), gelees met artikel 5 van die Wet op die Omsetting van Sekere Regte in Huurpag, 1988 (Wet 81 van 1988), met die goedkeuring van die Adjunk-minister van Grondsake die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies het 'n woord of uitdrukking waarvan 'n betekenis in die Wet geheg word, daardie betekenis, en tensy uit die samehang anders blyk, beteken—

“die Wet” die Wet op die Omsetting van Sekere Regte in Huurpag, 1988 (Wet 81 van 1988);

“verklaring” ’n verklaring bedoel in regulasie 2.

Opstel van verklaring

2. (1) Die verklaring beoog in artikel 4 (1) van die Wet word deur die sekretaris voorberei.

(2) ’n Verklaring het nie betrekking op meer as een perseel nie.

(3) ’n Verklaring moet op duursame papier van goeie gehalte van die grootte wat as A4 standaardpapier bekend staan, wees.

(4) Die letters in ’n verklaring moet—

(a) getik of gedruk of in netjiese en duidelike handskrif wees;

(b) minstens 2 mm hoog wees; en

(c) in swart ink van goeie gehalte wees.

(5) There shall be a margin 40 mm wide along the 297 mm binding side and 10 mm wide along the other three sides of a declaration and the margin shall be free of any writing, typing or printing.

(6) Amendments to or interlineations in a declaration shall be authenticated by the initials of the persons signing the document.

(7) Any of the provisions of this regulation may be relaxed by the registrar at his discretion.

Preparation of certificate of registered right of leasehold

3. (1) The certificate of registered right of leasehold contemplated in section 5 (1) of the Act shall be—

(a) substantially in the form of Form A in the Annexure; and

(b) prepared by the secretary and signed by him on each page.

(2) The provisions of regulations 2 (2) to (6) shall *mutatis mutandis* apply in relation to a certificate of registered right of leasehold.

Lodgement of documents

4. (1) The certificate and declaration shall be lodged for examination in covers, approved by the registrar, with the receiving clerk of the deeds registry which serves the area in which the site is situated, by—

(a) the secretary; or

(c) where the provincial administration concerned does not have an office at the seat of the deeds registry concerned, in the manner approved by the registrar.

(2) The certificate and declaration shall be lodged in duplicate: Provided that where a procedure is followed in a deeds registry of filing of records in the form of a microfilm reproduction of any type of deed or document it shall not be necessary to lodge a duplicate copy of the certificate and declaration, and upon registration such certificate and declaration shall be deemed to be the copy filed in the deeds registry until such time as the microfilm reproduction of the certificate or declaration is filed in lieu thereof.

(3) If the secretary requires the person mentioned in the declaration to furnish security to an occupier of the site, as contemplated in section 5 (2) of the Act, in the form of a mortgage bond—

(a) such bond shall be prepared and lodged by a conveyancer; and

(b) the secretary shall indicate on the covers referred to in subregulation (1) in the manner approved by the registrar that such bond shall be registered in conjunction with the certificate.

(4) If the secretary omits to comply with subregulation (3) (b) the certificate in respect of which the omission was made may, if in order, be registered or otherwise dealt with independently of such bond.

(5) Daar moet 'n 40 mm breë kantruimte langs die 297 mm-inbindingskant en 'n 10 mm breë kantruimte langs die ander drie kante van 'n verklaring wees en daar moet geen skrif, tik of druk binne die kantruimte wees nie.

(6) Wysigings aan of tussenskrifte in 'n verklaring moet gewaarmerk word deur die paraaf van die persoon wat die dokument onderteken.

(7) Enige van die bepalings van hierdie regulasie kan na goeëdunke deur die registrateur verslap word.

Opstel van sertifikaat van geregistreerde reg van huurpag

3. (1) Die sertifikaat van geregistreerde reg van huurpag beoog in artikel 5 (1) van die Wet moet—

(a) wesentlik in die vorm van Vorm A in die Aanhangel wees; en

(b) deur die sekretaris opgestel en op elke bladsy deur hom onderteken word.

(2) Die bepalings van regulasies 2 (2) tot (6) is *mutatis mutandis* van toepassing met betrekking tot 'n sertifikaat van geregistreerde reg van huurpag.

Indiening van dokumente

4. (1) Die sertifikaat en verklaring word in omslae wat deur die registrateur goedgekeur is vir ondersoek ingedien by die ontvangsklerk van die aktekantoor wat die gebied bedien waarin die perseel geleë is, deur—

(a) die sekretaris; of

(b) waar die betrokke provinsiale administrasie nie 'n kantoor by die setel van die betrokke aktekantoor het nie, op die wyse deur die registrateur goedgekeur.

(2) Die sertifikaat en verklaring word in tweevoud ingedien: Met dien verstande dat waar in 'n aktekantoor die prosedure gevolg word dat rekords in die vorm van 'n mikrofilmreproduksie van enige soort akte of dokument geliasseer word, dit nie nodig is om 'n duplikaatkopie van sodanige sertifikaat en verklaring in te dien nie, en by registrasie word sodanige sertifikaat en verklaring geag die kopie te wees wat in daardie aktekantoor geliasseer is tot tyd en wyl die mikrofilmreproduksie van sodanige sertifikaat of verklaring in die plek daarvan geliasseer word.

(3) Indien die sekretaris vereis dat die persoon in die verklaring genoem sekerheid soos in artikel 5 (2) van die Wet beoog aan 'n okkupeerder moet verstrek in die vorm van 'n verbandakte, moet—

(a) sodanige verband deur 'n aktebesorger opgestel en ingedien word; en

(b) die sekretaris op die omslae bedoel in subregulasie (1), op die wyse deur die registrateur goedgekeur, aandui dat sodanige verband tesame met die sertifikaat geregistreer moet word.

(4) Indien die sekretaris versuim om aan die bepalings van subregulasie (3) (b) te voldoen, kan die sertifikaat ten opsigte waarvan sodanige versuim geskied het, indien dit in orde is, afsonderlik van sodanige verband geregistreer word of anders daarmee gehandel word.

Prepared by me

Secretary

Stamp of Office

ANNEXURE

FORM A

CERTIFICATE OF REGISTERED RIGHT OF LEASEHOLD

Certificate No.

1. It is hereby certified that the right of leasehold in respect of site number, measuring, as shown on general plan/plan or aerial photograph* number has been granted under section 52 (1) of the Black Communities Development Act, 1984, read with sections 4 and 5 of the Conversion of Certain Rights to Leasehold Act, 1988, to

(full names, identity/registration No. and date of birth, marital status and full particulars of spouse married in community of property) and that the said right of leasehold expires 99 years after registration hereof.

2. The use of the aforesaid site shall be residential/business/industrial* as defined and subject to such conditions as are contained in the Land Use Conditions in Annexure F to the Township Establishment and Land Use Regulations, 1986, made in terms of section 66 (1) of the Black Communities Development Act, 1984: Provided that on the date on which a town planning scheme relating to the site comes into force, the rights and conditions contained in such scheme shall supersede those contained in the aforesaid Land Use Conditions, as contemplated in section 57B of the last-mentioned Act.

3. Special conditions:
-
-
-

Deeds registry at

Date

Registrar

Folio No. in register

* Delete that which is not applicable.

Opgestel deur my

Sekretaris

Ampstempel

AANHANGSEL

VORM A

SERTIFIKAAT VAN GEREGEREERDE REG VAN HUURPAG

Sertifikaat No.

1. Hierby word gesertifiseer dat die reg van huurpag ten opsigte van perseel nommer, groot.....

en getoon op algemene plan/plan of lugfoto* nommer..... kragtens artikel 52 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, gelees met artikels 4 en 5 van die Wet op die Omsetting van Sekere Regte in Huurpag, 1988, verleen is aan.....

(volle naam, identiteits-/registrasie No. en geboortedatum, huwelikstaats en volle besonderhede van die eggenoot/eggenote in gemeenskap van goed getroud), en dat die gemelde reg van huurpag 99 jaar na die registrasie hiervan verval.

2. Voormelde perseel is bedoel vir residensiële/besigheid/industriële* gebruik soos omskryf en onderworpe aan sodanige voorwaardes as wat vervat is in die Grondgebruikvoorwaardes in Aanhangsel F van die Dorpstigting- en Grondgebruiksregulasies, 1986, uitgevaardig kragtens artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984: Met dien verstande dat op die datum van inwerkingtreding van 'n dorpsbeplanningskema wat op die perseel van toepassing is, die regte en verpligtinge in sodanige skema vervat dié in voormelde Grondgebruikvoorwaardes vervang soos beoog in artikel 57B van die laasgenoemde Wet.

3. Spesiale voorwaardes:
-
-
-

Aktekantoor te

Datum

Registrateur

Folio No. in register

* Skrap wat nie van toepassing is nie.

Please, acquaint yourself thoroughly with the "Conditions for Publication" of legal notices in the *Government Gazette*, as well as the new tariffs in connection therewith

Maak uself asseblief deeglik vertrouwd met die "Voorwaardes vir Publikasie" van wetlike kennisgewings in die *Staatskoerant*, asook met die nuwe tariewe wat daarmee in verband staan

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