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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

NOTICE IS HEREBY GIVEN THAT THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA HAS APPROVED THE PROPOSED CHANGES IN THE CLASSIFICATION AND RATING OF FILMS AS SET OUT IN THE CLASSIFICATION AND RATING OF FILMS BILL, 1978, WHICH ARE AS FOLLOWS:

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

No. 1301.

23 June 1978.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 92 of 1978: Deeds Registries Amendment Act, 1978.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1301.

23 Junie 1978.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 92 van 1978: Wysigingswet op Registrasie van Aktes, 1978.

Wet No. 92, 1978

WYSIGINGSWET OP REGISTRASIE VAN AKTES, 1978.

ALGEMENE VERDUIDELIKENDE NOTA:

- I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
— Woorde met 'n volstreep daaronder, dui inwoegings in bestaande verordenings aan.

GOVERNMENT GAZETTE

WET

Tot wysiging van die Registrasie van Aktes Wet, 1937, ten einde voorsiening te maak vir die hou van registers deur middel van 'n rekenaar; en 'n verandering aan te bring met betrekking tot die bevoegdheid om regulasies uit te vaardig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Junie 1978.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 3 van die Registrasie van Aktes Wet, 1937 (hieronder die Hoofwet genoem), word hierby gewysig—
 (a) deur paragraaf (t) van subartikel (1) deur die volgende paragraaf te vervang:
 „(t) algemene planne van erwe of onderdele van grond registreer, registers van die erwe of onderdele van grond op daardie algemene planne aangetoon, open, en **[in daardie registers]** die voorwaarde waaronder die erwe of onderdele aangelê of tot stand gebring is, opteken;” en
 (b) deur paragraaf (y) van subartikel (1) deur die volgende paragraaf te vervang:
 „(y) hetsy deur middel van 'n rekenaar of op 'n ander wyse of deur middel van 'n rekenaar en op 'n ander wyse, dié registers hou **[wat ingevolge hierdie Wet en enige ander wet voorgeskryf is en die inskrywings daarin doen]** wat die besonderhede bevat wat nodig is om aan die bepalings van hierdie Wet of **[daardie]** enige ander wet gevolg te gee en om 'n doeltreffende registrasiestelsel in stand te hou, wat strek tot regsekerheid en wat die naslaan van 'n geregistreerde akte vergemaklik;”.

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2. Artikel 10 van die Hoofwet word hierby gewysig—
 (a) deur paragrawe (a), (e), (i), (l), (q) en (r) van subartikel (1) te skrap;
 (b) deur paragraaf (j) van subartikel (1) deur die volgende paragraaf te vervang:
 „(j) **[die wyse waarop en vorm waarin dié gevrees wat volgens regsvoorskrif aan 'n registrator verstrek moet word, in sy registrasiekantoor opgeteken moet word, en die wyse waarop en vorm waarin gegevens, wat 'n registrator regtens aan die publiek mag verstrek, verstrek moet word en]** die wyse waarop en die vorm waarin die identiteit van persone vasgestel moet word;” en
 (c) deur subartikel (3) deur die volgende subartikel te vervang:

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Wysiging van artikel 10 van Wet 47 van 1937, soos gewysig deur artikel 5 van Wet 43 van 1957, artikel 5 van Wet 43 van 1962, artikel 4 van Wet 87 van 1965 en artikel 4 van Wet 3 van 1972.

DEEDS REGISTRIES AMENDMENT ACT, 1978.

Act No. 92, 1978

GENERAL EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Deeds Registries Act, 1937, so as to provide for registers being kept by computer; and to effect a change in relation to the power to make regulations; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 16 June 1978.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 3 of the Deeds Registries Act, 1937 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for paragraph (t) of subsection (1) of the following paragraph:
“(t) register general plans of erven or of sub-divisions of land, open registers of the erven or sub-divisions of land shown on such general plans, and record **[in such registers]** the conditions upon which the erven or sub-divisions have been laid out or established;”; and
- (b) by the substitution for paragraph (y) of subsection (1) of the following paragraph:
„(y) keep, whether by means of a computer or in any other manner or by means of a computer and in any other manner, **[the]** such registers **[prescribed under this Act and any other law, and make such entries therein]** containing such particulars as are necessary for the purpose of carrying out the provisions of this Act or **[such]** any other law and of maintaining an efficient system of registration calculated to afford security of title and ready reference to any registered deed;”.

Amendment of section 3 of Act 47 of 1937, as substituted by section 2 of Act 87 of 1965 and amended by section 1 of Act 41 of 1977.

2. Section 10 of the principal Act is hereby amended—

- (a) by the deletion of paragraphs (a), (e), (i), (l), (q) and (r) of subsection (1);
- (b) by the substitution for paragraph (j) of subsection (1) of the following paragraph:
[the manner and form in which information which is required by law to be furnished to a registrar shall be recorded in his deeds registry, the manner and form in which information permitted by law to be furnished by a registrar to the public shall be furnished and] the manner and form in which the identity of persons shall be established;”; and
- (c) by the substitution for subsection (3) of the following subsection:

Amendment of section 10 of Act 47 of 1937, as amended by section 5 of Act 43 of 1957, section 5 of Act 43 of 1962, section 4 of Act 87 of 1965 and section 4 of Act 3 of 1972.

Wet No. 92, 1978

WYSIGINGSWET OP REGISTRASIE VAN AKTES, 1978.

Herroeping van artikel 11 van Wet 47 van 1937.

Herroeping van artikel 12 van Wet 47 van 1937, soos gewysig deur artikel 6 van Wet 43 van 1962.

Wysiging van artikel 44 van Wet 47 van 1937, soos gewysig deur artikel 18 van Wet 43 van 1962 en artikel 16 van Wet 87 van 1965.

Wysiging van artikel 46 van Wet 47 van 1937, soos gewysig deur artikel 22 van Wet 43 van 1957 en artikel 17 van Wet 87 van 1965.

Wysiging van artikel 57 van Wet 47 van 1937, soos gewysig deur artikel 27 van Wet 43 van 1957 en artikel 24 van Wet 43 van 1962.

,,(3) Regulasies kragtens paragraaf (g) of (h) **[(of q)]** van subartikel (1) uitgevaardig, tree in die gebiede van die onderskeie registrasiekantore in werking op datums wat die Minister by kennisgewing in die *Staatskoerant* moet vasstel.''. 5

3. Artikel 11 van die Hoofwet word hierby herroep.

4. Artikel 12 van die Hoofwet word hierby herroep.

5. Artikel 44 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:
,,(1) Indien 'n verbetering van titel ten aansien van 'n enkele stuk grond nodig word ten gevolge van 'n opmeting of hermeting van daardie grond, of van die verbetering van 'n fout in sy kaart ingevolge die Opmetingswet, 1927, kan die registrator op skriftelike aansoek van die eienaar van die grond, vergesel van die titelbewys en die nuwe of verbeterde kaart daarvan, en elke akte van verband daarop en elke geregistreerde huurkontrak of ander geregistreerde akte uit kragte waarvan iemand anders 'n saaklike reg oor die grond besit en die skriftelike toestemming van die verbandhouer, of huurder of die besitter van daardie reg, op die voormalde aktes **[in die voorgeskrewe vorm]** 'n omskrywing van die grond volgens die nuwe of verbeterde kaart aanteken, en daardie aantekening vervang dan die omskrywing wat reeds in die voormalde aktes voorkom.''; en 10
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(b) deur subartikel (2) deur die volgende subartikel te vervang:

,,(2) As 'n nuwe kaart oorgelê word, moet die registrator, wanneer hy bedoelde aantekening maak, die ou kaart **[op die voorgeskrewe wyse]** deur die nuwe kaart vervang.''. 30

6. Artikel 46 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang: 35

,,(3) As die onderverdeelde grond soos op die algemene plan aangegee, die hele van 'n geregistreerde stuk grond uitmaak wat kragtens die titelbewys besit word, moet die registrator op die titelbewys en sy registrasieduplikaat 'n aantekening **[in die voor- geskrewe vorm]** maak, waaruit blyk dat die grond ooreenkomsdig die plan ingedeel is, na gelang van die geval, as 'n dorp of nedersetting, en dat die persele of erwe wat op die plan voorkom, in die aangewese register geregistreer moet word.''. 40
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7. Artikel 57 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

,,(c) **[in die voorgeskrewe vorm]** op die verbandakte aanteken—
(i) die naam van die transportnemer;
(ii) die datum en nommer van die transport;
(iii) 'n verwysing na die genoemde skriftelike toestemming; en
(iv) dat die transportgewer deur die transportnemer 55 vervang is as skuldenaar ten aansien van die verband; en''. 50
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81 DEEDS REGISTRIES AMENDMENT ACT, 1978

Act No. 92, 1978

5 “(3) Any regulations made under paragraph (g) or (h) [or (q)] of subsection (1) shall come into operation within the areas served by the several deeds registries upon dates to be fixed by the Minister by notice in the Gazette.”.

3. Section 11 of the principal Act is hereby repealed.

Repeal of
section 11 of
Act 47 of 1937.

4. Section 12 of the principal Act is hereby repealed.

Repeal of
section 12 of
Act 47 of 1937,
as amended by
section 6 of
Act 43 of 1962.

5. Section 44 of the principal Act is hereby amended—

10 (a) by the substitution for subsection (1) of the following subsection:

15 “(1) If rectification of title is required in respect of any one piece of land in consequence of a survey or re-survey of such land or of the correction of any error in the diagram thereof under the Land Survey Act, 1927,

20 the registrar may, on written application by the owner of the land accompanied by the title deed and the new or the corrected diagram thereof, any bond thereon and any registered deed of lease or other registered deed whereby any real right therein is held by any other person and the written consent of the holder of such bond, lease or right, endorse on the aforesaid deed [in the prescribed form] a description of the land according to the new or corrected diagram, which description shall supersede the description already appearing in the aforesaid deeds.”; and

25 (b) by the substitution for subsection (2) of the following subsection:

30 “(2) If a new diagram is produced the registrar shall in making the said endorsement substitute the new diagram for the old one [in the manner prescribed].”.

Amendment of
section 44 of
Act 47 of 1937,
as amended by
section 18 of
Act 43 of 1962
and section 16 of
Act 87 of 1965.

6. Section 46 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of
section 46 of
Act 47 of 1937,
as amended by
section 22 of
Act 43 of 1957
and section 17 of
Act 87 of 1965.

35 “(3) If the land sub-divided as shown on the general plan forms the whole of any registered piece of land held by the title deed, the registrar shall make upon the title deed and the registry duplicate thereof an endorsement [in the prescribed form] indicating that the land has been laid out as a township or settlement, as the case may be, in accordance with the plan, and that the lots or erven shown on the plan are to be registered in the relative register.”.

7. Section 57 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph:

Amendment of
section 57 of
Act 47 of 1937,
as amended by
section 27 of
Act 43 of 1957
and section 24 of
Act 43 of 1962.

45 “(c) endorse upon the bond [in the prescribed form]—
(i) the name of the transferee;
(ii) the date and number of the transfer;
(iii) a reference to the said written consent; and
(iv) that the transferee has been substituted for the transferor as debtor in respect of the bond; and”.

Wet No. 92, 1978

WYSIGINGSWET OP REGISTRASIE VAN AKTES, 1978.

Wysiging van artikel 58 van Wet 47 van 1937, soos gewysig deur artikel 9 van Wet 3 van 1972.

8. Artikel 58 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:
„(5) Indien die eiendom van goed kragtens die bepalings van die wet op insolvensie aan 'n insolvent teruggeval het, kan die insolvent daardie goed nie transporteer, met verband beswaar of andersins daaroor beskik nie, totdat die registrator **【op die voorgeskrewe wyse】** op die titelbewys van die goed aangeteken het dat die goed aan die insolvent teruggegee is.”.

Kort titel.

9. Hierdie Wet heet die Wysigingswet op Registrasie van 10 Aktes, 1978.

DEEDS REGISTRIES AMENDMENT ACT, 1978.

Act No. 92, 1978

8. Section 58 of the principal Act is hereby amended by the Amendment of
substitution for subsection (5) of the following subsection:
"5 (5) If by virtue of the provisions of the law relating to
insolvency an insolvent has been re-invested with the ownership of any property, such property may not be transferred, mortgaged or otherwise dealt with by the insolvent until an endorsement [in the manner prescribed], that the property has been restored to him, has been made by the registrar on the title deed of the property.".
- 10 9. This Act shall be called the Deeds Registries Amendment Act, Short title.
1978.

DECEMBER INDUSTRIAL AMENDMENT ACT, 1958

(2) It shall be the duty of the Minister to give effect to the provisions of the Industrial Amendment Act, 1958, by regulations made under section 3(2) of the Industrial Regulation Act, 1956, so far as may be necessary to implement the purposes of the said Act.

10 DECEMBER 1958
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