

South Africa

Deeds Registries Act, 1937

Registration of Deeds Regulations, 1963

Government Notice R474 of 1963

Legislation as at 26 July 1991

Note: There are **outstanding amendments** that have not yet been applied:

Government Notice R1225 of 1993, Government Notice R1403 of 1993, Government Notice R1658 of 1994, Government Notice R184 of 1995, Government Notice R184 of 1995, Government Notice R184 of 1995, Government Notice R330 of 1996, Government Notice R740 of 1998, Government Notice R762 of 1998, Government Notice R906 of 1998, Government Notice R204 of 1999, Government Notice R193 of 2000, Government Notice R395 of 2000, Government Notice R208 of 2001, Government Notice R308 of 2003, Government Notice R1224 of 2003, Government Notice R1096 of 2004, Government Notice R1115 of 2004, Government Notice R451 of 2005, Government Notice R1031 of 2008, Government Notice R198 of 2009, Government Notice R292 of 2010, Government Notice R659 of 2010, Government Notice R166 of 2012, Government Notice R195 of 2013, Government Notice R241 of 2013, Government Notice R269 of 2015, Government Notice R547 of 2015, Government Notice 200 of 2016, Government Notice R175 of 2017, Government Notice R428 of 2017, Government Notice R557 of 2018, Government Notice R62 of 2019, Government Notice R283 of 2019, Government Notice R1418 of 2019, Proclamation 11 of 2020, Government Notice R884 of 2020, Government Notice R153 of 2021, Government Notice R498 of 2021, Government Notice R1595 of 2021, Government Notice R1802 of 2022, Government Notice R3095A of 2023, Government Notice R3239 of 2023, Government Notice R4447 of 2024.

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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 \(Government Notice R1892 of 1983\)](#) on 1 October 1983]

[Amended by [Registration of Deeds Regulations: Amendment \(Government Notice R628 of 1984\)](#) on 1 May 1984]

[Amended by [Registration of Deeds Regulations: Amendment \(Government Notice R1195 of 1985\)](#) on 1 July 1985]

[Amended by [Registration of Deeds Regulations: Amendment \(Government Notice R1653 of 1986\)](#) on 8 September 1986]

[Amended by [Registration of Deeds Regulations: Amendment \(Government Notice R2191 of 1986\)](#) on 24 November 1986]

[Amended by [Registration of Deeds Regulations: Amendment \(Government Notice R2825 of 1989\)](#) on 22 January 1990]

[Amended by [Registration of Deeds Regulations: Amendment \(Government Notice R203 of 1991\)](#) on 15 March 1991]

[Amended by [Registration of Deeds Regulations: Amendment \(Government Notice R1698 of 1991\)](#) on 26 July 1991]

[This regulation has been amended by the substitution of the words "section" and "sections" respectively for the word "regulation" and "regulations", the words "sub-section" and "sub-sections" respectively for the words "sub-regulation" and "sub-regulations" and for the word "clause" for the word "clauses" by section 1 of [Government Notice R493 of 1965](#) except for where sections or subsections of any Act are referred to.]

The State President has been pleased to approve, in terms of sub-regulation (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 regulation 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 regulation 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 or a township in a proclaimed Black urban residential area falls partly within the boundaries of the fiscal division or district, as the case may be, and partly within the boundaries of another fiscal division or district, such farm unit or township in a proclaimed Black urban residential area 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 or township in a proclaimed Black urban residential area is situated: 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 purpose of an administrative district, be deemed to follow the boundaries of the farm units the Registrar of Deeds and the Surveyor-General concerned determine: Provided further than when the area of a township as indicated on a general plan, within a proclaimed Black urban residential area, falls within the boundaries of more than one fiscal division, the fiscal boundaries of any such fiscal division or divisions be determined by the Registrar of Deeds and the Surveyor-General concerned, for the purpose of an administrative district, in such a manner that the whole of the township falls within one fiscal division;
- (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, the Districts of Vryheid, Utrecht, Matatiele and Mount Currie and the rest of the Province of Natal as a whole;
- (d) in regard to the Province of the Orange Free State, a district recognised as such on the 1st April 1956: Provided that where a township in a proclaimed Black urban residential area falls partly in one such district and partly in another such district, such township, in a proclaimed Black urban residential area, for the purpose of an administrative district, shall be deemed to fall wholly within the district in which the greater part of such township is situated: Provided further that when the area of a township, as indicated on the general plan, within a proclaimed Black urban residential area, falls within the boundaries of more than one district, the district boundaries of any such district or districts be determined by the Registrar of Deeds and the Surveyor General concerned, for the purpose of an administrative district, in such a manner that the whole of the township falls within one district.

[regulation 4 substituted by section 2 of [Government Notice R1195 of 1985](#)]

Assistant Registrar

5. Deputy and Assistant Registrars

Every Deputy Registrar and every Assistant Registrar shall have power 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 Deputy Registrar and 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 a Deputy Registrar or an Assistant Registrar, when acting by virtue of this sub-regulation, 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.

[regulation 5 substituted by section 1 of [Government Notice R1105 of 1966](#)]

Registration divisions and numbering of units

6.

The 'degree squares' formed by the lines of latitude and longitude crossing the area surved by the 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: Provided further that where a township in a proclaimed Black urban residential area is situated partly in one such registration division and partly in another such registration division such township, in a proclaimed Black urban residential area, is deemed to be situated in that registration division in which the greatest area of the said township is situated: Provided further that when the area of a township indicated on a general plan, within a proclaimed Black urban residential area, falls within the boundaries of more than one registration division, the boundaries of any such registration division or divisions be determined by the Registrar of Deeds and the Surveyor-General concerned, for the purpose of an administrative district, in such a manner that the whole of the township falls within one registration division.

[regulation 6 substituted by section 3 of [Government Notice R1195 of 1985](#)]

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. ***

[regulation 11 repealed by section 2 of [Government Notice R359 of 1982](#)]

12.

[regulation 12 repealed by section 2 of [Government Notice R359 of 1982](#)]

13.

[regulation 13 deleted by section 3 of [Government Notice R1077 of 1969](#)]

14.

[regulation 14 repealed by section 2 of [Government Notice R359 of 1982](#)]

15.

[regulation 15 repealed by section 2 of [Government Notice R359 of 1982](#)]

16.

Each Registrar shall keep a Register of Conveyancers.

17.

[regulation 17 repealed by section 2 of [Government Notice R359 of 1982](#)]

Identity of persons

18.

(1) The identity of a person shall be established—

- (a) in the case of a natural person, by means of his names and the identity number reflected in the identity document issued to him by the responsible Government authority in the Republic, or if no such document has been issued, or if such a document has been issued but contains incorrect information, by means of his name and date of birth, or in the case of a person to whom an identity document has not been issued and whose date of birth is not known, by means of a method approved of by the Registrar: Provided that in the case where a person's date of birth does not appear in the identity document the person's date of birth must be given in addition to the identity document;

[paragraph (a) amended by section 2 of [Government Notice R1892 of 1983](#) and substituted by section 2 of [Government Notice R1653 of 1986](#)]

- (b) in the case of any other person, by means of the name and the registered number, if any, of such person.

(2) The name of a person referred to in subregulation (1) and the relevant identity number, date of birth or registered number, as the case may be, of such person shall be recorded in the relevant records of the Deeds Registry: Provided that the fact that no identity document has been issued to a natural person, or if issued, that it contains incorrect information, shall be established by means of an affidavit signed by such natural person or by means of a certificate signed by a conveyancer based on information obtained from such natural person: Provided further that the provisions of subregulation (1) shall not apply to any consent or application relating to a registered deed granted by a person being a party to that deed if the deed does not disclose his identity number, or date of birth, or registered number, as the case may be.

(3) The Registrar concerned shall rectify any error made in connection with an entry or note of the identity number, or the date of birth, or registered number, as the case may be, of any person appearing in his Registry upon proof to his satisfaction that an error has been made.

[regulation 18 amended by section 4 of [Government Notice R493 of 1965](#), by section 5 of [Government Notice R1077 of 1969](#) and substituted by section 3 of [Government Notice R359 of 1982](#)]

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.**

- (1) Deeds and other documents lodged for execution, registration or record shall be on paper approved by the Registrar and shall be in clear writing, print or type, of good quality: Provided that, in the discretion of the Registrar, a reproduction of a printed or typed folio, reproduced by a method of reproducing print or type, may be used for such document.
- (2) The upper half of the first page of a deed shall not be used for writing, typing, printing or any other purpose, but shall be reserved for the purpose of Deeds Registry endorsements and a margin of at least four centimetres shall be allowed on all pages of a deed for binding purposes.
- (3) No carbon copy of any document shall be accepted for the purpose of being filed in a Deeds Registry.
- (4) Ink of a durable quality and of a colour density approved by the Registrar shall be used for the purpose of a signature or an initial on a document, and material alterations to or interlineations in a document shall be authenticated by the initials of the person signing the document and by the person attesting his signature. If, however, an alteration or interlineation is attested by a person other than the original attestor, such person shall attach his signature.
- (5) If any signature to a document is written across a stamp, or with other than ink of durable quality and of the approved colour density, or encroaches on the margin, the Registrar may decline to allow it to be used for the purpose intended.
- (6) All alterations and interlineations shall, in the case of a deed attested by a notary, be initialled also by such notary.
- (7) Notwithstanding anything in this regulation contained, the Registrar may in his discretion accept for record any 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 conveyancer or by a notary public: Provided further that in the case of a diagram it has been certified by the Surveyor-General.
- (8) Any of the provisions of this regulation may be relaxed by the Registrar at his discretion.

[regulation 20 substituted by section 4 of [Government Notice R359 of 1982](#)]

21.

[regulation 21 repealed by section 5 of [Government Notice R359 of 1982](#)]

22.

Any spaces in a deed which have not been used shall be ruled through and where a deed comprises more than one page each page shall be numbered consecutively.

[regulation 22 substituted by section 4 of [Government Notice R1195 of 1985](#)]

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 shall—
 - (a) in the case of a natural person, excepting any such natural person who is acting in, or is appointed to act in a representative capacity, contain the full names, and either the official identity number or date of birth of the natural person named therein; and
 - (b) in the case of any other person, contain the full name and registered number, if any, of such person:

Provided that any provisions of this subregulation may be relaxed by the Registrar in special circumstances at his discretion.

[subregulation (1) substituted by section 6 of [Government Notice R359 of 1982](#)]

- (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 an 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 of title to land for which no form is prescribed and every such deed for which a form is prescribed wherein provision is made for the inclusion of an extending clause in conformity with these regulations shall immediately after the description of the property contain an extending clause substantially in the form of the applicable prescribed Form TT or UU.

[regulation 26 amended by section 5 of [Government Notice R493 of 1965](#) and substituted by section 7 of [Government Notice R359 of 1982](#)]

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 clauses must, if required by the Registrar, be inserted, at the end of the deed in respect of each piece of land, which clauses 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 any deed wherein land is described, the following particulars shall be quoted:
 - (a) The name of the registration division and administrative district in which such land is situated, or, in the case of land situated in a township, the administrative district concerned and the name of such township; and
 - (b) the registered number (if any) of such land.

[subregulation (1) substituted by section 8 of [Government Notice R359 of 1982](#)]

- (2) In describing land no reference shall be made in a deed conferring title to land or any interest therein, or in a mortgage bond, to any building or other property, movable or immovable, which may be on or attached to the land.

[subregulation (2) amended by section 6 of [Government Notice R493 of 1965](#)]

- (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.

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

[regulation 30 amended by section 7 of [Government Notice R493 of 1965](#)]

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 serial number and year (if any) of every deed to which reference is made in connection with conditions shall be quoted. Provided that the provisions of this clauses may be relaxed by the Registrar in special circumstances in his discretion.
[paragraph (g) amended by section 3 of [Government Notice R1892 of 1983](#)]
 - (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 clauses, 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.
- (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: 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.

[subregulation (7) added by section 8 of [Government Notice R493 of 1965](#)]

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-regulation (4) of regulation 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 regulation seventy-one of the Act shall be issued only on written application of the owner of such remainder or his duly authorized agent.

39.

- (1) The authority for the performance of the following acts of registration in relation to a mortgage or notarial bond:
 - (a) The cancellation thereof;
 - (b) the release therefrom of the property or the property and person of a joint debtor or a surety;
 - (c) the noting of a part-payment in respect of the capital due thereunder;
 - (d) the noting of a reduction of the cover afforded thereby;
 - (e) the waiver of preference of the security hypothecated in favour of another bond;
 - (f) the cession thereof;
 - (g) the cancellation of a cession thereof made as security;
 - (h) the substitution of another person as debtor thereunder;
 - (i) the noting of an agreement varying the terms thereof;
 - (j) the substitution of other land for the land hypothecated pursuant to section [40\(5\)\(a\)](#) of the Act,

shall be given in the prescribed form each upon a separate sheet or sheets of paper by the holder of the bond, or, where applicable, by the holder and the mortgagor or the person about to be substituted as mortgagor or by his or their duly authorised agent, and shall be signed and duly

witnessed: Provided that where the consent of a co-mortgagor is also required for the registration, such consent may be appended to the consent of the holder of the bond or given separately. Every such authority shall identify the bond and disclose the full names (and in the case of a woman, her marital status) of the legal holder of the bond and of any other consenting party.

[subsection (1) amended by section 4 of [Government Notice R1892 of 1983](#)]

- (2) The authority for the performance of an act of registration referred to in subregulation (1) shall be retained by the Registrar: Provided that an authority referred to in paragraphs (e) to (j) of subregulation (1) shall be in duplicate and the duplicate copy thereof shall be annexed to the holder's copy of the bond: Provided further that if a duplicate of an authority is not available, a copy thereof certified by a notary or conveyancer shall be annexed to the holder's copy of the bond.
- (3) Not more than one bond may be included in any authority for the acts of registration referred to in subregulation (1).
- (4) The provisions of subregulations (1), (2) and (3) shall apply *mutatis mutandis* in respect of an authority for the cancellation of a registered prospecting, contract.

[regulation 39 substituted by section 9 of [Government Notice R359 of 1982](#)]

40.

[regulation 40 repealed by section 10 of [Government Notice R359 of 1982](#)]

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 shall 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 number (comprising the serial and year number), if any, of the deed by which the property is held shall also be quoted in each paragraph: Provided that where more than one property is held by one and the same deed such number of the deed may be quoted after the description of the last of such properties.

[subregulation (2) substituted by section 11(a) of [Government Notice R359 of 1982](#)]

- (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) *[subregulation (5) deleted by section 11(b) of [Government Notice R359 of 1982](#)]*
- (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 regulation 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 regulation 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.

- (1) Every deed of transfer, certificate conferring title to immovable property, deed of cession referred to in section 32 of the Act or mortgage bond shall be prepared by a conveyancer, who shall make and sign a certificate in the undermentioned form in the upper right hand corner on the first page of the document concerned.

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

- (2) A conveyancer who prepares a deed of transfer, certificate, deed of cession or mortgage bond referred to in subregulation (1) shall initial personally all alterations or interlineations in such deed of transfer, certificate, deed of cession or mortgage bond and also every page thereof not requiring his signature if such deed of transfer, certificate, deed of cession or mortgage bond is written on separate sheets, and no such deed of transfer, certificate, deed of cession or mortgage bond shall be accepted for execution or registration if it does not bear such certificate and is not so initialled: Provided, however, that in the case of a deed of transfer or mortgage bond where an alteration or interlineation does not, in the opinion of the Registrar, require initialling by the conveyancer who prepared such deed of transfer or mortgage bond, such alteration or interlineation shall be initialled by the conveyancer executing such deed of transfer or mortgage bond.
- (3) The provisions of subregulations (1) and (2), and regulation 44 shall not apply in respect of the first issue of a certificate of title of a lot in terms of the Black Communities Development Act, 1984 ([Act 4 of 1984](#)).

[subregulation (3) added by section 5 of [Government Notice R1195 of 1985](#)]

[regulation 43 substituted by section 6 of [Government Notice R1077 of 1969](#) and by section 5 of [Government Notice R1892 of 1983](#)]

44.

- (1) Subject to the provisions of subregulation (3), any power of attorney, application or consent required for the performance of an act of registration in a Deeds Registry and any agreement of partition referred to in section 26 of the Act executed after the coming into operation of this regulation and tendered for registration or filling of record in a Deeds Registry, shall be prepared by a practising attorney (not necessarily practising in the province in which such Deeds Registry is situate), notary or conveyancer, who shall make and sign a certificate in the undermentioned form in the upper right hand corner on the first page of the document concerned:

prepared by me

ATTORNEY/NOTARY/CONVEYANCER

(Use whichever is applicable.)

(State surname and initials in block letters.)

- (2) Subject to the provisions or subregulation (3), any material alteration or interlineation in any power of attorney, application, consent or agreement of partition referred to in subregulation (1) shall be initialled by the attorney, notary or conveyancer who prepared such document.
- (3) Notwithstanding the provisions of subregulations (1) and (2), a Registrar may in his discretion waive compliance with this regulation in respect of a power of attorney, application, consent or agreement of partition executed outside the Republic or in respect of a power of attorney, application, consent or agreement of partition not provided for by the Act or the Regulations.
- (4) The provisions of subregulations (1) and (2) shall not prevent any attorney, notary or conveyancer in the employ of the State from preparing, in the course of his employment, any document therein mentioned which is required for the performance of any function to be performed in the department in which he is employed.
- (5) When a certificate referred to in subregulation (1) is signed by an attorney or notary, the fact that the signatory is a practising attorney or notary shall be confirmed by a practising conveyancer, who shall countersign the certificate by making and signing the following certificaes thereon:

Countersigned by me

CONVEYANCER

(State surname and initials in block letters.)

[regulation 44 substituted by section 12 of [Government Notice R359 of 1982](#) and by section 6 of [Government Notice R1892 of 1983](#)]

44A.

The person signing the preparation certificates prescribed by regulations 43 and 44 (1) of the Regulations accepts, in terms of section 15A (1) and (2) of the Act, to the extent provided for in this regulation, responsibility for the correctness of the undermentioned facts stated in the deeds or documents concerned or which are relevant in connection with the registration or filing thereof, namely:

- (a) That all copies of the deeds or documents intended for execution and/or registration are identical at the date of lodgement;
- (b) that, in the case of a deed of transfer of certificate of title to land, all the applicable conditions of title contained in or endorsed upon the owner's copy of the title deed, together with any applicable proclaimed township conditions have been correctly brought forward in that deed of transfer or certificate of title to land;

[paragraph (b) substituted by section 6(a) of [Government Notice R1195 of 1985](#)]

- (c) that, in the case of a document referred to in regulation 44 (1) being signed by a person in his capacity as an executor, administrator, trustee, tutor, curator, liquidator or judicial manager from perusal of the document evidencing such appointment exhibited to him, such person has in fact been appointed in that capacity;

- (d) that, to the best of his knowledge and belief and after due enquiry has been made—
- (i) (aa) the names, identity number or date of birth and marital status of any natural person being a party to a deed or document and in the case of any other person or a trust, its name and registered number, if any, are correctly reflected in that deed or document;
 - (bb) in the case where a woman married out of community of property, or a woman whose marriage is governed by the law of any other country, has not been assisted by her husband in executing any deed or document, the marital power has been excluded;
- [subparagraph (i) substituted by section 6(b) of [Government Notice R1195 of 1985](#), by section 3 of [Government Notice R1653 of 1986](#) and by section 2 of [Government Notice R2191 of 1986](#)]*
- (ii) in the case of a document referred to in regulation 44 (1)—
 - (aa) the necessary authority has been obtained for the signing of such document in a representative capacity on behalf of a company, church, association, society or other body of persons or an institution;
 - (bb) the transaction as disclosed therein is authorised by and in accordance with the constitution, regulations, or founding statement, as the case may be, of any church, association, close corporation, society, or other body of persons, or any institution other than a company, except a share block company as defined in the Share Blocks Control Act, 1980 ([Act 59 of 1980](#)), or the deed of a trust being a party to such document;

[subparagraph (bb) substituted by section 6(c) of [Government Notice R1195 of 1985](#)]

 - (cc) that a trustee being a party to a deed or document is acting therein in accordance with the powers set out in the deed of trust concerned and that any security required had been furnished to the Master of the Supreme Court.

[subparagraph (cc) added by section 6(d) of [Government Notice R1195 of 1985](#)]
- (e) that, in the case where a conveyancer is signing the preparation certificate on a deed of transfer, certificate of title conferring title to immovable property or a mortgage bond, he shall accept responsibility that the particulars in the deed mentioned in paragraph (d) (i), have been brought forward correctly from the special power of attorney or application relating thereto.

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, shall be lodged for examination by a conveyancer practising at the seat of the Deeds Registry or by a person employed by such conveyancer, in covers with the receiving clerk (who shall note thereon the date of lodgement), on working days between the hours that the Registrar shall determine: Provided that a notary practising at the seat of the Deeds Registry or a person employed by such notary may lodge notarial deeds: Provided further that any document lodged on behalf of a Government department or Development Board may be lodged by any person in the employ of the department or Development Board concerned, even though that person is not a notary or conveyancer, or where such Government department or Development Board does not have an office at the seat of the relevant Deeds Registry, in the manner approved by the Registrar.
- [subregulation (1) substituted by section 13(a) of [Government Notice R359 of 1982](#), by section 7 of [Government Notice R1195 of 1985](#) and by section 3 of [Government Notice R2191 of 1986](#)]*
- (2) Powers of attorney shall be lodged singly, and all other deeds described in the preceding subregulation shall be lodged in duplicate except 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. 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.

[subregulation (2) amended by section 12 of [Government Notice R493 of 1965](#) and substituted by [Government Notice R1167 of 1969](#)]

- (2A) Where a procedure has been adopted in a Deeds Registry of filing of record in the form of a microfilm reproduction of any type of deed or document it shall notwithstanding anything to the contrary in the Regulations not be necessary to lodge a duplicate copy of such deed or document for filing of record in that Deeds Registry, and upon registration of such deed or document shall be deemed to the copy filed of record in that Deeds Registry until such time as the microfilm reproduction of the deeds is filed of record in lieu thereof: Provided that the aforesaid procedure shall not be applied in a Deeds Registry until the Chief Registrar of Deeds has instructed the Registrar of that office to do so.

[subregulation (2A) inserted by section 13(b) of [Government Notice R359 of 1982](#) and substituted by section 4 of [Government Notice R1653 of 1986](#)]

- (3) On the expiration of either five or six working days, as the Registrar may determine, after such lodgement and between such hours as the Registrar may in his discretion fix, all deeds proper for execution before the Registrar or registration by the Registrar, and to the execution or registration of which no objection exists, shall be executed before the Registrar or registered by the Registrar, but the Registrar shall have discretion to permit deeds to be executed or registered before the time or expiration of the period determined by him and also to reject deeds not executed or registered within such time or period.

[subregulation (3) substituted by section 13(c) of [Government Notice R359 of 1982](#)]

- (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 or registration and to the execution or registration of which any objection exists shall, if circumstances permit, be rejected not later than five working days after lodgment.

[subregulation (5) substituted by section 13(d) of [Government Notice R359 of 1982](#)]

- (6) *[subregulation (6) deleted by section 13(e) of [Government Notice R359 of 1982](#)]*

- (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 regulation 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 other than a bond passed to secure future advances part

of the capital amount of which has been repaid be substituted under the provisions of regulations forty-five and fifty-seven of the Act until the part payment shall have been noted.

[regulation 47 amended by section 13 of [Government Notice R493 of 1965](#)]

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 regulation 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) *[paragraph (a) deleted by section 8(a) of [Government Notice R1892 of 1983](#)]*
 - (b) Where transfer duty is payable, a receipt for such duty.
[paragraph (b) amended by section 8(b) of [Government Notice R1892 of 1983](#)]
 - (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 taken under regulation fifty-one, fifty-three or fifty-seven of the Administration of Estate Act 1913, a certificate or consent from the Master.
[paragraph (e) amended by section 14 of [Government Notice R493 of 1965](#)]
 - (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 regulation 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 regulation 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 regulation 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 regulation 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 the Act and 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.

[subregulation (1) amended by section 15 of [Government Notice R493 of 1965](#)]

- (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 regulation thirty eight of the Act, for which purpose such officer shall be regarded as the owner of the land.

[subregulation (2) amended by section 14 of [Government Notice R359 of 1982](#)]

- (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-regulation (7) of regulation 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.

[regulation 53 repealed by section 15 of [Government Notice R359 of 1982](#)]

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 subregulation (1)(b)(ii) of regulation 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-regulation (1) of regulation 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 sections [31](#)(6)(a) or [32](#)(5) 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 (comprising the serial number and year number) of the title.

[regulation 57 substituted by section 16 of [Government Notice R359 of 1982](#)]

58.

[regulation 58 substituted by section 17 of [Government Notice R359 of 1982](#) and repealed by section 9 of [Government Notice R1892 of 1983](#)]

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 serial number and the year (if any) of the deed by which it is held shall be quoted. The provisions of this subregulation in respect of the serial number and the year (if any) of the deed may be relaxed by the Registrar in special circumstance in his discretion.

[subregulation (3) amended by section 10 of [Government Notice R1892 of 1983](#)]

61.

- (1) Where cancellation of registration is sought under the provisions of sub-regulation (2) of regulation 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 regulation 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 regulation 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 clauses 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 for execution or registration is intended to be executed or registered, or otherwise dealt with, in conjunction with any other deed lodged, the conveyancer, notary or Government official responsible for the lodgment shall indicate in the manner approved by the Registrar that such deeds shall be executed or registered or dealt with simultaneously. If any conveyancer, notary or Government official omits to comply with this regulation, the deed in respect of which the omission was made may, if in order, be executed, registered, or otherwise dealt with independently of such other deed.

[subregulation (3) substituted by section 18 of [Government Notice R359 of 1982](#)]

- (4) *[subregulation (4) deleted by section 11 of [Government Notice R1892 of 1983](#)]*

64.

[regulation 64 repealed by section 19 of [Government Notice R359 of 1982](#)]

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 or the Territory of South-West Africa.

[subregulation (2) amended by section 16 of [Government Notice R493 of 1965](#)]

- (3) A special power of attorney to transfer, hypothecate or otherwise deal with land or other immovable property shall contain—
- (a) a clear and sufficient description of such land or property;
 - (b) the registered number, if any, of such land or property;
 - (c) the number (comprising the serial number and year number) of the deed whereby such land or property is held; and
 - (d) in a power of attorney to transfer land, the date of disposal of such land.

[subregulation (3) substituted by section 20(a) of [Government Notice R359 of 1982](#)]

- (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) *[subregulation (5) deleted by section 20(b) of [Government Notice R359 of 1982](#)]*
- (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 mandant by the Registrar in charge of a Deeds Registry in which an original power has been registered after 1 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 on the power, and shall sign or initial such note. 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 on the copy of the power and sign or initial such note.
- [subregulation (8) substituted by section 8 of [Government Notice R1077 of 1969](#)]*
- (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 seal 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 regulation, 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 or on behalf of any State Department, and the words "Issued for judicial purposes only" shall be written or stamped on the face of every copy so issued.

[regulation 67 amended by section 17 of [Government Notice R493 of 1965](#)]

68.

- (1) If any deed conferring title to land or any interest therein or any real right, or any registered lease or sub-lease or registered cession thereof, 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.

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

[subregulation (1) amended by section 18(a) of [Government Notice R493 of 1965](#) and by section 21(a) of [Government Notice R359 of 1982](#)]

- (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 sub-lease or registered cession thereof, 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.

Provided that if it appears from the records of the Deeds Registry, in the case of a deed, that the land, interest or real right thereunder has been mortgaged or the owner has conferred a real right therein on some person who may by virtue thereof be in possession of the deed, or in the case of a lease or sub-lease or registered cession thereof, that the lessee has mortgaged his interest therein, or in the case of a bond, that it has been ceded, the Registrar shall require that the mortgagee, the person on whom the real right has been conferred or the cessionary to whom the bond has been ceded, shall state in writing that the deed, lease or sub-lease or registered cession thereof or bond is not in his possession and that he consents to the issue of a copy thereof to the applicant.

[subsection (2) amended by section 18(b) of [Government Notice R493 of 1965](#) and by section 21(b) of [Government Notice R359 of 1982](#)]

- (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 requirements of this regulation.

[subregulation (3) amended by section 21(c) of [Government Notice R359 of 1982](#)]

(4) *[subregulation (4) deleted by section 21(d) of [Government Notice R359 of 1982](#)]*

(5) *[subregulation (5) deleted by section 21(d) of [Government Notice R359 of 1982](#)]*

(6) On compliance with the provisions of this regulation 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.

[subregulation (6) substituted by section 21(e) of [Government Notice R359 of 1982](#)]

(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 sub-lease or registered cession thereof 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 sub-lease or registered cession thereof, 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.

[subregulation (8) amended by section 18(c) of [Government Notice R493 of 1965](#)]

(9) The provisions of this regulation shall apply *mutatis mutandis* to any deed, lease or sub-lease or registered cession thereof or bond indicated in subregulation (1) hereof that may have been made in favour of the State President of the Republic of South Africa, or in regard to deeds, leases or sub-leases or registered cessions thereof, or bonds passed prior to Union in favour of the Governor or the Government of one of the Colonies or States included in the Union, for any official of such Government: Provided that the requisite application and affidavit maybe made by an officer charged with the custody of such deeds, leases, or sub-leases or registered cessions thereof, or bonds.

[subregulation (9) substituted by section 21(f) of [Government Notice R359 of 1982](#)]

(10) In the event of any deed, lease or sub-lease or registered cession thereof, 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-regulation (2) of regulation thirty-four of the Act, when the provisions of sub-regulation (13) hereof shall apply.

[subregulation (10) amended by section 18(e) of [Government Notice R493 of 1965](#)]

(11) If the registered holder of a mortgage or notarial bond (which has been lost or destroyed) or his duly authorised agent desires to procure cancellation of the bond, and has made written application duly witnessed to the Registrar to cancel such bond, and has complied *mutatis mutandis* with the provisions of subregulations (1), (2) and (3) of this regulation, the Registrar shall, if he is satisfied that no good reason to the contrary exists, cancel the registration duplicate of such bond, and such cancellation shall be deemed to be a cancellation of such bond notwithstanding that the original of such bond was not submitted for cancellation.

[subregulation (11) substituted by section 21(g) of [Government Notice R359 of 1982](#) and amended by section 12 of [Government Notice R1892 of 1983](#)]

(12) In the circumstances mentioned in sub-regulation (2) of regulation 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-regulation (2) of regulation 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 regulation. 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.

No business in relation to the preparation, lodgment or registration of deeds or other documents shall be conducted with Deeds Registry by means of correspondence.

[regulation 71 substituted by section 1 of [Government Notice R2578 of 1978](#) and by section 13 of [Government Notice R1892 of 1983](#)]

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 other than a servitude for road widening purposes 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.

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.

[subregulation (2) amended by section 19 of [Government Notice R493 of 1965](#) and by section 22 of [Government Notice R359 of 1982](#)]

- (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 regulation seventy-three of the Act, or registering any deed of transfer containing a reservation of such rights as are contemplated by regulation 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 such cancellation on the registration duplicate of the mortgage bond.

[regulation 75 substituted by section 10 of [Government Notice R1077 of 1969](#)]

76.

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

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 regulation 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 regulation registered in another Registry, notify the Registrar in charge thereof of such registration.

78.

[regulation 78 repealed by section 14 of [Government Notice R1892 of 1983](#)]

79.

[regulation 79 repealed by section 23 of [Government Notice R359 of 1982](#)]

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.

Provided that any document filed of record in the form of a microfilm reproduction of the original shall be made available for inspection only under the personal supervision of a responsible officer designated by the Registrar, and where information is required from any record stored in a computer, the Registrar shall as soon as conveniently possible furnish such information.

[subregulation (2) amended by section 24 of [Government Notice R359 of 1982](#)]

Binding of records

81.

A deed or document duly cancelled in terms of section 3(1) of the Act may in terms of the proviso to section 3(1)(a) of the Act be destroyed—

- (a) in the case of a deed or document, after a lapse of five years from the date when it was cancelled;
- (b) in the case of an authority for the cancellation of a deed or document, after a lapse of 30 years from the date when such cancellation was registered.

[regulation 81 substituted by section 25 of [Government Notice R359 of 1982](#)]

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 to these regulations, which forms shall also *mutatis mutandis* apply to leasehold transactions.

[regulation 82 substituted by section 8 of [Government Notice R1195 of 1985](#)]

82bis.

The certificate of registered title to be issued by a Registrar in terms of section 9(6), 13(6) or 37(10) of the Sectional Titles Act, 1971 ([Act 66 of 1971](#)), shall be prepared substantially in the relevant form provided in the Schedule to these regulations.

[section 82bis inserted by section 1 of [Government Notice R1141 of 1980](#)]

83.

[regulation (83) repealed by section 3 [Government Notice R628 of 1984](#)]

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 subregulation (1)(c) of regulation 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 regulation 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
1.	For a certificate by Registrar of any fact	3,00
2.	For a report to Court made by a Registrar in terms of section 97 of the Act	10,00

Item			R
3.	For taxation of a bill of fees: 5 percent of the fees allowed excluding disbursements for transfer duty, stamp duty and fees of office.		—
4.	For a certified copy of a deed or document filed of record in a Deeds Registry		5,00
5.	(a)	For obtaining a computer print for each enquiry relating to a person, property or deed	1,00
	(b)	For inspection of any one deed, document or folio, including any continuation thereof, of any register or microfilm of the documents relating to any one property, including a search of the relevant index	1,00
	(c)	For a search through a title (where no other method available) for each piece of land	1,00
	(d)	For any continuous search for information for each hour or part thereof	6,00
			Provided that if any of the searches referred to in paragraphs (a)-(d) of this item is made by the applicant or his duly authorised agent or if any information under this item is required by a Divisional Council or a Municipal Council or other Local Authority in order to carry out its statutory powers or duties one half of the prescribed fee shall be charged.
	(e)	For any search not specially provided for a fee to be fixed by the Registrar, provided the minimum fee shall be	1,00

Item			R
	(f)	For obtaining an off-line computer print in respect of a series of properties, for every 100 properties or part thereof: R10.	
<i>[subitem (f) added by section 9 of Government Notice R1195 of 1985]</i>			
6.	For each search made by a Registrar in the Deeds Registry at Cape Town 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 R4,00 in the whole		1,00

Exemptions

1. Any person engaged in research work of a historical nature or of general public interest may be permitted by the Registrar, subject to such conditions as the Registrar may stipulate, to search the records and registers free of the payment of any fee.
2. (a) No fee shall be chargeable if the same would, within the purport of the Stamp Duties Act, 1968 ([Act 77 of 1968](#)), be legally payable and borne by the State or any Government department.
- (b) No fee shall be chargeable in respect of any transfer or cession of immovable property to the State or any Government department if such transfer or cession is 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 section [3](#)(1)(w) of the Act.

[Schedule of Fees of Office amended by section 2 of [Government Notice R2578 of 1978](#) and by section 26 of [Government Notice R359 of 1982](#) and substituted by section 4 [Government Notice R628 of 1984](#)]

Tariff of fees and charges prescribed by Regulation 85

1. General notes:

The fees specified in this tariff shall include the fees for all correspondence and shall also include the fees for the following: The taking and giving of instructions, including the perusal of completed deeds of sale; the preparation and attendance on signature of all powers of attorney, declarations, affidavits, resolutions, status affidavits, company certificates, exchange control certificates and other necessary preliminary and ancillary documents; the payment of transfer duty and of all rates levied by any lawful authority; the obtaining and making of all clearance or other certificates; the obtaining of endorsement or copies of documents from the Office of the Master of the Supreme Court or other public office (except where otherwise provided); the perusal of memoranda and articles of association and trust deeds; the making of all necessary financial arrangements, including the provision and checking of guarantees and attending payment in terms thereof, the drawing and preparation of any document, including all copies thereof, required for execution or registration at a deeds registry and the obtaining of registration thereof, arranging simultaneous lodgement and registration with another conveyancer or other conveyancers, where necessary; the giving of all references required by the deeds registry for examination purposes; and

all attendances at the deeds registry, but shall not include any attendance in connection with the drawing and execution of deeds of sale, deeds of donation, deeds of exchange, preliminary partition agreements, deeds of suretyships and acknowledgements of debts and documents of a similar nature or any separate act of registration of any other document which may be necessary before or in connection with the first-mentioned act of registration.

2. Definition

For the purposes of this tariff—

- (a) a folio consists of 100 printed or written words or figures or part thereof. Four figures shall be reckoned as one word; and
- (b) 'value of property' means—
 - (i) where transfer duty is payable, the purchase price or the amount on which transfer duty is payable, whichever amount is the highest;
 - (ii) where no transfer duty is payable in terms of section 9 (2) of the Transfer Duty Act, 1949 ([Act No. 40 of 1949](#)), the purchase price or the declared value as determined in the Transfer Duty Act, 1949, whichever amount is the highest;
 - (iii) where no transfer duty is payable in terms of any other provision of section 9 of the Transfer Duty Act, 1949, but an official valuation (be it municipal, divisional council or from the Master of the Supreme Court) is available, then such valuation or the compensation paid, whichever amount is the highest; or
 - (iv) where no compensation is payable and no municipal, divisional council or other official valuation is available, the value shall be deemed to be no less than R2 500.

Section I – Conveyance of ownership of immovable property (other than partition transfers)

1. For all work in connection with obtaining of conveyance of ownership of immovable property in any manner not specifically mentioned elsewhere in this tariff, the fee shall be as set out in column B of Schedule 1 to this tariff: Provided that in the case of a conveyance in terms of the second proviso to section 16 and in terms of section 31 and sections 45 and 45bis (bonds excluded) of the Act, the fee shall be 50 per cent of the amount set out in column B of the said Schedule.
2. If more than one property is included in the same instrument of conveyance, an additional fee of R30 for each additional property.

Section IA – Registration of a right of leasehold or of the transfer of a right of leasehold

For all work in connection with the registration of a right of leasehold or of the transfer of a right of leasehold, not specifically mentioned elsewhere in this tariff, the fees shall be as set out in Column B of Schedule 1 to this tariff: Provided that where the value of the property concerned is R40 000 or less, the fee shall be 70 per cent of the amount set out in Column B of the said Schedule.

[section IA inserted by section 2(a) of [Government Notice R203 of 1991](#)]

Section II

1. For endorsements of title deeds or bonds in terms of sections 24bis (2) and 25 (3) of the Act and in terms of the Administration of Estates Act, 1965 ([Act No. 66 of 1965](#)), including the drawing of all necessary documents, the obtaining of necessary ancillary documents, consents and certificates from the Master and Registrar of Deeds and all necessary attendances and correspondence in connection therewith: R145.

2. If more than one property or bond is included in the same application, an additional fee of R20 for each additional property or bond.

Section III – Partition transfers

For the drawing and registration of each deed of partition transfer, inclusive of all preliminary and other work in connection therewith but excluding attendances in connection with the framing of any provisional agreement: R400 plus a further fee of R30 for each additional property or subdivision transferred in any one deed.

Section IV

1. For certificates of title under sections [18](#), [34](#), [35](#), [36](#), [38](#), [39](#), [43](#), [46](#) and [64](#) of the Act and certificates of rights to minerals: R150.
Note: In respect of all matters falling under this item and item 4 below there shall be a further fee of R30 for each additional property.
2. For certificates of consolidated title under section [40](#) and certificates of amended title and uniform title under sections [41](#) and [42](#) of the Act: R250 plus R30 for every additional constituent property after the first two properties.
3. For the substitution of lost or destroyed title deed of rights to minerals in terms of section 74ter of the Act: R200.
4. For the conversion of leasehold to freehold under the provisions of the Townships Amendment Act, 1908 (Transvaal), or the Conversion of Leasehold to Freehold Act, 1952 ([Act No. 61 of 1952](#)), inclusive of all preliminary and final work relating thereto or for the conversion of a right of leasehold into ownership in terms of section 57A of the Black Communities Development Act, 1984 ([Act No. 4 of 1984](#)), inclusive of all preliminary and final work relating thereto: R150: Provided that in respect of a leasehold lot in a township referred to in section 7 of the Conversion of Leasehold to Freehold Act, 1952, the fee shall be R250.

Section V – Cessions of mineral rights, including cessions pursuant to partition of mineral rights but excluding cessions of mineral rights in terms of section 32

1. The fee shall be as set out in column B of Schedule 1 to this tariff.
2. If more than one property is included in the same cession, an additional fee of R30 for each additional property.

Section VI – Bonds

1. The fee for mortgage bonds including surety mortgage bonds shall be as set out in column C of Schedule 1 to this tariff.
2. The fee charged for collateral bonds, being mortgage bonds passed as additional security for another bond where the collateral bond is being registered in the same registration office R135 and where the collateral bond is being registered in another registration office, R200.
3. For any waiver in terms of regulation [41 \(7\)](#) when included in a bond, an additional fee of R120.
4. If more than one property is included in any bond referred to in item 1 or 2 above an extra fee of R20 for each additional property.
5. For the purposes of determining a fee charged under item 1, the amount of the bond on which stamp duty is being levied shall be used or, in the event of a bond exempted from stamp duty, the amount on which stamp duty would have been levied, if not exempted.

Section VIA – Leasehold mortgage bonds

The fees for leasehold mortgage bonds, including surety bonds, shall be as set out in Column C of Schedule 1 to this tariff: Provided that where the amount of such bond is R40 000 or less, the fee shall be 70 per cent of the amount set out in Column C of the said Schedule.

[section VIA inserted by section 2(b) of [Government Notice R203 of 1991](#)]

Section VII – Notarial bonds

1. The fee for notarial bonds, including surety notarial bonds, shall be as set out in column D of Schedule 1 to this tariff.
2. The fee for collateral notarial bonds passed as additional security for a mortgage bond or another notarial bond between the same parties shall be R200.
3. For purposes of determining a fee charged under item 1, the amount of the bond on which stamp duty is being levied shall be used or, in the event of a bond exempted from stamp duty, the amount on which stamp duty would have been levied, if not exempted.

Section VIII – Marriage contracts including all notarial contracts under the Matrimonial Property Act, 1984 ([Act No. 88 of 1984](#))

For taking instructions for drawing contract and necessary copies, attending on execution, notarial attestation and registration, including all correspondence: R100.

Section IX – Other notarial deeds

1. For the drawing and registering of any notarial waiver of preference by mortgagee, usufructuary or other holder of a limited interest, or other notarial consent required under the Act or the Regulations: R140.
2. For the drawing and registering of any notarial lease, servitude, prospecting contract, donation or other notarial deed (other than those elsewhere specially provided for in this tariff), a fee assessed according to the length and complexity thereof, with a minimum of R300.

Section X – Cancellation, cession or variation of bonds, release of persons or property from bonds, and waiver of preference in regard to ranking of bonds

1. (a) For drawing consent to cancellation of bond; consent to cancellation of cession of bond; release of property or person from a bond; consent to reduction of cover; consent to part payment of capital; framing waiver of preference in regard to the ranking of a bond; waiver of preference in respect of real rights in land; consent of mortgagee, usufructuary, lessee or holder of other limited interest required by the Act or the Regulations and not otherwise provided for in this tariff (not notarial) and attending registration thereof, inclusive of instructions, correspondence and all relevant attendances except attendances on the Office of the Master of the Supreme Court: R150: Provided that in cases where there are no financial arrangements to be made by the conveyancer the fee shall be R100.
- (b) Attending to all matters referred to in item (a) above in respect of any second or subsequent bond or bonds when such document or documents has or have been drawn by the same conveyancer who drew the corresponding documents in connection with the first bond between the same parties over the same property and such documents are or can be lodged simultaneously as a set: R40 per bond.

- (c) If more than two properties are included in any release referred to in item 1 (a) or 1 (b) above, there shall be a further fee of R10 for each additional property over and above the first two properties.
2. For drawing cession of bond or application for endorsement of a bond in terms of section 45 and 45bis of the Act including instructions and drawing consent of mortgagor where necessary, attendance on mortgagor and mortgagee, correspondence and all relevant attendances including registration, but excluding attendances on the Office of the Master of the Supreme Court: R115: Provided that in cases where there are no financial arrangement to be made by the conveyancer the fee shall be R80.
 3. For drawing agreement varying the terms of a bond including instructions, attendances on mortgagor and mortgagee, correspondence and all relevant attendances including registration, a fee assessed according to the length and complexity thereof, with a minimum of R80 and a maximum of R135.
 4. (a) For drawing consents to substitution under section 24bis (3), 45 (2) (b) or 45bis (2) of the Act, including instructions, all attendances on mortgagee and new debtor, correspondence, and miscellaneous attendances, including registration but excluding attendances on the Office of the Master of Supreme Court: R115: Provided that in cases where there are no financial arrangement to be made by the conveyancer the fee shall be R80.
 - (a) For drawing consents to substitution under section 57 of the Act, including instructions, all attendances on mortgagee and new debtor, correspondence and miscellaneous attendances, including registration but excluding attendances on the Office of the Master of the Supreme Court: 50% of the fees for bonds, specified in Schedule 1.
 5. If any of the documents referred to in this Section are required to be signed by more than one mortgagee, mortgagor, usufructuary, lessee or holder of other limited interest, there shall be an additional fee of R10 for each such additional person after the first.
 6. Where it is necessary to attend on the Office of the Master of the Supreme Court in connection with any of the matters referred to in terms of items 1 (a), 2 and 4 above, the following additional fees shall be allowed:
 - (a) For obtaining any Master's Certificate per estate for any number of certificates which are or can be applied for simultaneously: R20.
 - (b) For obtaining copies of all necessary documents which are or can be included in one application—per estate: R10.
 7. In respect of leasehold mortgage bonds the said fees shall be 50 per cent of the fees set out in items 1 up to and including 6 of this Section.

[paragraph 7 added by section 2(c) of [Government Notice R203 of 1991](#)]

Section XI – Miscellaneous

1. For attendance on behalf of transferor or transferee, mortgagor or mortgagee, or any other person, supervising the registration of the transfer or bond or supervising the bond, when the documents are being prepared and lodged by another conveyancer, inclusive of all instructions, correspondence, and miscellaneous attendances relevant to such supervision—
 - (a) where the value of the property or amount of the bond does not exceed R20 000: R35;
 - (b) where the value of the property or amount of the bond exceeds R20 000: R60.
2. For instructions and attendances on the inspecting, checking, arranging and lodging for endorsement of any amendment of title under section 44 of the Act, inclusive of all necessary attendances: R60.
3. For attending deeds registry for certificates of any act of registration required: R20.

4. (a) For drawing application for endorsement in terms of section 46 of the Act, of Layout of township of settlement and attendances on lodging title deed for endorsement, inclusive of instructions, correspondence and all relevant attendances: R180.
- (b) For drawing application and related work in terms of section 49 (1) and all relevant attendances: R95.
5. (1) For procuring registration of change of name—
 - (a) where no advertisement is required: R45 plus R7 for every extra deed after the first deed;
 - (b) where advertisement is necessary: R100 plus R7 for every extra deed after the first deed.
- (2) For procuring an amendment of any deed in terms of section 4 (1) (b) of the Act: R35 plus a fee of R7 for every extra deed.
- (3) For preparing and lodging consent of any interested party, including any bondholder, to any amendment in terms of this item: R25.

Note: The above fees include the drawing of necessary applications, correspondence and all relevant attendances and, where advertising is necessary, also include the drawing up and placing of the necessary advertisements.

6. (a) Attendances and searching at deeds registry for information required, other than information required for preparation or registration of a deed, including instructions, correspondence and all relevant attendances, per quarter hour or part thereof: R15.
Reporting per folio, except in the case of research as provided for in item 6 (b) below: R10.
- (b) Attendance and searching at deeds registry and/or the Office of the Surveyor-General for research and searching for the necessary information in connection with rights to minerals and rights to water, including correspondence and all relevant attendances: R150 per hour or part thereof *pro rata*. Reporting per folio: R25.
7. For drawing notice of application for issue of a certified copy of a deed to serve in lieu of the original including instructions, application to registrar, filing all necessary documents, correspondence and all relevant attendances: R65.
8. For attendance in order to obtain a certified copy of any deed or document from deeds registry for any purpose, other than to serve in lieu of the original inclusive of instructions, filing of necessary documents, correspondence and all relevant attendances: R25 plus an additional fee of R7 for every deed after the first which can be applied for in the same application.
9. For attendance on Surveyor-General, for the metrication or amendment of any diagram or obtaining of a copy of any diagram from the Surveyor-General, including instructions, application, correspondence and all relevant attendances: R15 plus an additional fee of R7 for every diagram after the first which can be applied for in the same application.
10. For attendance on local or other authority—
 - (a) to obtain approval, in terms of any law, of subdivisional diagrams in the Province of Natal (and wherever else required), obtaining declaration from Private Townships Board, inclusive of all attendances to obtain supporting certificates and other documents: R45;
 - (b) for any endorsement of a power of attorney or diagram (other than a rates clearance certificate): R15.
11. (a) For drawing any affidavit or application in regard to any separate act of registration or endorsement not specifically mentioned in this tariff [for example an application for endorsement in terms of the Matrimonial Affairs Act, 1953 ([Act No. 37 of 1953](#)), or for the creation of townships conditions against the remainder of the property, or for the lapsing of any condition of title or personal servitude excluding a *usufruct*, *usus* or *habitatio*] inclusive of taking and giving instructions, correspondence and all other attendances in connection with such affidavit or application: R25 plus

- R7 drawing each extra folio of an affidavit or application where such document exceeds one folio in length.
- (b) For attendance on the Office of the Master of the Supreme Court in order to obtain all necessary endorsements in connection with any matter referred to in this item—per estate: R20.
- (c) For making and authenticating necessary copies and attendances on recording or registration of any document not elsewhere provided for in this tariff, including registration of general powers of attorney, copies of antenuptial contracts, duplicates of notarial bonds previously registered in another deeds registry and other like documents, inclusive of taking and giving instructions, correspondence and all relevant attendances: R20 plus a fee of 50c per folio for making and authenticating each copy recorded or registered in the deeds registry.
- (d) For drawing and signing a certificate in terms of section 42 (1) of the Administration of Estates Act, 1965 ([Act No. 66 of 1965](#)), including investigations and attendances on the Office of the Master of the Supreme Court: R40 per estate for any number of certificates.
- (e) For drawing any application and registration of lapse of *usufruct* (not notarial): R100.
12. (a) For drawing cession of servitude or of rights to mineral rights in terms of Form RR as provided under section 32 of the Act, inclusive of instructions, correspondence, registration and all other relevant attendances: R115.
- (b) If more than one property is included in the same cession an additional fee of R15 for each additional property.
13. For attending on filing at deeds registry of any document relating to any person, partnership, association or company, where such filing is independent of any particular act of registration being attended to by that conveyancer, inclusive of instructions, correspondence and all relevant attendances: R15.
14. For attendance on taxation where required, including all necessary relevant attendances and correspondence, a fee equal to 5 per cent of the fees allowed on taxation shall be chargeable by the conveyancer submitting the bill of costs, and a fee equal to 5 per cent of the total fees originally reflected in that bill of costs shall be chargeable by the conveyancer opposing taxation, subject to a minimum fee of R15 in respect of each conveyancer.
15. In respect of any leasehold transaction the said fees shall be 50 per cent of the fees set out in items 1 up to and including 13 of this Section.

[paragraph 15 added by section 2(d) of [Government Notice R203 of 1991](#)]

Schedule I

Column A	Column B	Column C	Column D
Value of property or amount of bond	Fees for conveyance of immovable property	Fees for mortgage bonds	Fees for notarial bonds
	R	R	R
R400 or less	16515		160

Column A	Column B	Column C	Column D
Over R400 up to and including R1 000	19545		195
Over R1 000 up to and including R2 000	26065		215
Over R2 000 up to and including R4 000	30200		255
Over R4 000 up to and including R6 000	37225		265
Over R6 000 up to and including R8 000	40055		295
Over R8 000 up to and including R10 000	42085		325
Over R10 000 up to and including R12 000	45505		355
Over R12 000 up to and including R14 000	47540		385
Over R14 000 up to and including R16 000	50565		405
Over R16 000 up to and including R18 000	53400		440
Over R18 000 up to and including R20 000	56435		475
Over R20 000 up to and including R25 000	62475		520
Over 25 000 up to and including R30 000	67505		555
Over R30 000 up to and including R35 000	72555		600
Over R35 000 up to and including R40 000	79595		635
Over R40 000 up to and including R45 000	84535		675
Over R45 000 up to and including R50 000	90075		725
Over R50 000 up to and including R60 000	94505		760
Over R60 000 up to and including R70 000	1 765 015		805

Column A	Column B	Column C	Column D
Over R70 000 up to and including R80 000	1 800 060		845
Over R80 000 up to and including R90 000	1 845 120		895
Over R90 000 up to and including R100 000	1 895 180		940
Over R100 000 up to and including R150 000	1 980 315		1 025
Over R150 000 up to and including R200 000	1 1 045 460		1 095
Over R200 000	1 1 045 460		1 095

Column A	Column B	Column C	Column D
		for for the first die eerste R200 000 the plus R290 per R100 000 or part first thereof above that thereafter, up to R200 000 including R100 000 whereafter 000 the fee shall be R100 per R100 000 plus or part thereof R290 per R100 000 or part thereof above that, thereafter, up to and including R100 000 whereafter the fee shall be R100 per R100 000 or part thereof	for the first R200 000 plus R290 per R100 000 or part thereof above that, thereafter, up to and including R1 000 000 whereafter the fee shall be R100 per R100 000 or part thereof.

[Tariff of fees and charges prescribed by Regulation 85 amended by [Government Notice R557 of 1963](#), substituted by [Government Notice R1251 of 1964](#), amended by [Government Notice R1105 of 1966](#) and by [Government Notice R1077 of 1969](#), substituted by [Government Notice R437 of 1973](#), by [Government Notice R2578 of 1978](#) (as corrected by [Government Notice R127 of 1979](#)), by section 27 of [Government Notice R359 of 1982](#) and by section 5 of [Government Notice R628 of 1984](#), amended by section 10 of [Government Notice R1195 of 1985](#), substituted by section 5 of [Government Notice R1653 of 1986](#) and by section 2 of [Government Notice R2825 of 1989](#)]

Forms

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

[the forms have been amended by the substitution of the expression "No. of Deed" for the expression "serial number", and the expression "Date" for the expression "year" wherever they occur by section 15(h) of [Government Notice R1892 of 1983](#)]

[Form A(1), previously Form A, renumbered by section 20 of [Government Notice R493 of 1965](#) and deleted by section 28(a) of [Government Notice R359 of 1982](#)]

[Form A(2) added by section 20 of [Government Notice R493 of 1965](#) and deleted by section 28(a) of [Government Notice R359 of 1982](#)]

[Form B deleted by section 28(a) of [Government Notice R359 of 1982](#)]

[Form C deleted by section 13 of [Government Notice R1077 of 1969](#)]

[Form D substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form E substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form F substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form G substituted by section 4 of [Government Notice R1105 of 1966](#) and by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form H substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form I substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form J substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form L substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form M substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form N substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form O substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form P deleted by section 15(b) of [Government Notice R1892 of 1983](#)]

[Form Q substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form R substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form S deleted by section 28(a) of [Government Notice R359 of 1982](#)]

[Form T amended by section 21 of [Government Notice R493 of 1965](#) and substituted by section 15(c) of [Government Notice R1892 of 1983](#)]

[Form U deleted by section 28(a) of [Government Notice R359 of 1982](#)]

[Form V substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form W amended by section 22 of [Government Notice R493 of 1965](#) and substituted by section 15(c) of [Government Notice R1892 of 1983](#)]

[Form X deleted by section 28(a) of [Government Notice R359 of 1982](#)]

[Form Y deleted by section 28(a) of [Government Notice R359 of 1982](#)]

[Form Z substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form AA substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form BB substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form CC substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

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[Form DD substituted by section 15(a) of [Government Notice R1892 of 1983](#)]

[Form EE substituted by section 15(a) of [Government Notice R1892 of 1983](#)]