

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 884

14 AUGUST 2020

DEEDS REGISTRIES ACT, 1937 (ACT NO. 47 OF 1937): AMENDMENT OF REGULATIONS

In terms of section 9 (9) of the Deeds Registries Act, 1937 (Act No. 47 of 1937), I, Angela Thokozile Didiza, Minister of Agriculture, Land Reform and Rural Development, hereby approves the regulations contained in the Schedule as made by the Deeds Registries Regulations Board under section 10 of the said Act. The regulations will come into operation two months from the date of publication hereof in the *Gazette*.



MS ANGELA THOKOZILE DIDIZA

MINISTER: AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

SCHEDULE

Definitions

1. In this Schedule "the Regulations" mean the Regulations promulgated by Government Notice No. R. 474 of 29 March 1963, as amended.

Amendment of regulation 43

2. Regulation 43 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(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 full name and surname in block letters)

.....

(Disclose Legal Practice Council Membership Number)".

Amendment of regulation 44

3. Regulation 44 of the Regulations is hereby amended-

- (a) by the substitution for subregulation (1) of the following subregulation:

“(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 filing of record in a Deeds Registry, shall be prepared by a practicing attorney (not necessarily practicing 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 full name and surname in block letters)

.....
(Disclose Legal Practice Council Membership Number)”; and

(b) by the substitution for subregulation (5) of the following subregulation:

“(5) When a certificate referred to in subregulation (1) is signed by an attorney or notary, the fact that the signatory is a practicing attorney or notary shall be confirmed by a practicing conveyancer, who shall countersign the certificate by making and signing the following certificate thereon:

Countersigned by me

.....
CONVEYANCER

.....
(State full name and surname in block letters)

.....
(Disclose Legal Practice Council Membership Number)”.

Amendment of forms

4. The Regulations are hereby amended-

- (a) by the substitution for the certificate in forms D, E, F, G, H, I, J, L, M, N, O, Q, R, V, Z, KK, LL, PP, QQ, RR, SS, YY, EEE, and FFF of the following certificate:

"Prepared by me

.....

CONVEYANCER

.....

(State full name and surname in block letters)

.....

(Disclose Legal Practice Council Membership Number)";

- (b) by the substitution for the footnote to form E of the following footnote:

"† Omit whichever is not applicable;

- The Legal Practice Council Membership Number must be disclosed together with the full name and surname of the conveyancer- appearer in the pre-amble of the Deed of Transfer.";

- (c) by the insertion of the following footnote to form F:

"• Legal Practice Council Membership Number must be disclosed together with the full name and surname of the conveyancer-appearer in the pre-amble of the Deed of Partition Transfer.";

- (d) by the substitution for the certificate in Forms T, W, MM, VV, WW and BBB, of the following certificate:

"Prepared by me

.....

ATTORNEY/NOTARY/CONVEYANCER

(Use whichever is applicable.)

.....

(State full name and surname in block letters)

.....

(Disclose Legal Practice Council Membership Number);

- (e) by the insertion of the following footnote to form KK:

"• Legal Practice Council Membership Number must be disclosed together with the full name and surname of the conveyancer-appearer in the pre-amble of the Collateral Mortgage Bond.";

- (f) by the insertion of the following footnote to form LL:

"• Legal Practice Council Membership Number must be disclosed together with the full name and surname of the conveyancer-appearer in the pre-amble of the Surety Bond."; and

- (g) by the substitution for the certificate in Forms CCC and DDD of the following certificate:

"Prepared by me

.....

* CONVEYANCER / AUTHORISED OFFICER

.....

(State full name and surname in block letters)

.....

(Conveyancer to disclose Legal Practice Council Membership Number)".

Short title

5. These regulations shall be known as the Deeds Registries Amendment Regulations, 2020.