

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. R. 1418

01 NOVEMBER 2019

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, 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 THOKOZILE DIDIZA, (MP)

MINISTER OF 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 68

2. Regulation 68 of the Regulations is hereby amended-

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

“(1) If any deed conferring title to land or any interest therein or any real right, or any registered lease or sublease 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, notwithstanding the provisions of subregulation (2), be competent for him to issue a copy thereof free of charge and without the need to comply with subregulation (1E), upon submission of an application and affidavit by the relevant conveyancer or person contemplated in section 15A (2).”;

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

“(1E) (a) Before the issuing of a certified copy of 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 under this regulation, the applicant shall publish, substantially in the prescribed form, a notification of intention to apply for such certified copy in an issue of a newspaper circulating in the area in which the land is situated and in the case of a notarial bond in an issue of one or more newspapers circulating in the area of every deeds registry in which such notarial bond is registered.

(b) Copies of deeds referred to in paragraph (a) shall be open for inspection in the deeds registry free of charge by any interested person, for a period of two weeks from the date of publication of the notice, during which period any interested person may object to the issue of a copy.

(c) All persons having objection to the issue of such copy must lodge such objection in writing with the relevant Registrar of Deeds within two weeks from the date of the publication of the notice.”; and

(c) by the substitution for subregulation (11) of the following subregulation:

“(11) If the registered holder of a mortgage or notarial bond (which has been lost, destroyed or is unserviceable) or his or her 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 or she 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.”.

Substitution of regulation 79bis

3. The following regulation is hereby substituted for regulation 79*bis* of the Regulations:

"79 *bis*. It shall be the duty of the Registrar to notify the Surveyor-General concerned of the registration of a general plan and where any act of registration affects a diagram."

Substitution of forms

4. The Regulations are hereby amended-

(a) by the substitution for form JJJ of the following form:

"FORM JJJ

*** LOST OR DESTROYED DEED**

Notice is hereby given in terms of regulation 68 of the Deeds Registries Act, 1937, of the intention to apply for the issue of a certified copy of(here describe the deed) passed byin favour of in respect of certain(here insert the description of the property, omitting extent) which has been lost or destroyed.

All interested persons having objection to the issue of such copy are hereby required to lodge the same in writing with the Registrar of Deeds atwithin two weeks from the date of the publication of this notice.

Dated at this..... day of

Applicant

Address

E-mail address

Contact number

* Form does not apply to lost or destroyed bonds"; and

(b) by the substitution for form KKK of the following form:

"FORM KKK

LOST OR DESTROYED BOND

Notice is hereby given in terms of regulation 68 of the Deeds Registries Act, 1937, of the intention to apply for the issue of a certified copy of (here insert bond code, number and year)..... passed by.....for a capital amount of..... in favour of.....*in respect of certain..... (here insert the description of the property, omitting extent) which has been lost or destroyed.

All interested persons having objection to the issue of such copy are hereby required to lodge the same in writing with the Registrar of Deeds at within two weeks from the date of the publication of this notice.

Dated at this..... day of
.....
.....

Applicant

Address

E-mail address

Contact number

* In the case of Notarial Bonds, omit reference to property”.

Short title

5. These regulations shall be known as the Deeds Registries Amendment Regulations, 2019.