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Government Notices • Goewermentskennisgewings

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5948 **5 March 2025**

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, Mzwanele Nyhontso, Minister of 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 one month from the date of publication hereof in the *Gazette*.

MR MZWANELE NYHONTSO, MP
MINISTER OF LAND REFORM AND RURAL DEVELOPMENT

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SCHEDULE

Definitions

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

Substitution of regulation 2

2. The following regulation is hereby substituted for regulation 2 of the Regulations:

"**2.** In these Regulations the expression -

(a) **"the Act"** shall mean Act 47 of 1937 and any amendment thereof; and

(b) **"Electronic Deeds Registration Systems Act"** shall mean the Electronic Deeds Registration Systems Act, 2019 (Act 19 of 2019), and any amendment thereof.".

Substitution of regulation 4A

3. The following regulation is hereby substituted for regulation 4A of the Regulations:

"**4A.** (1) The expression 'in arrear' shall, for the purpose of regulation 45(8), mean unpaid on expiry of a period as determined by the Chief Registrar of Deeds, which period shall not be less than 30 days calculated from the date of statement: Provided that, if the correctness of specific items on the statement is disputed by the relevant conveyancer, notary, firm or institution, such conveyancer, notary, firm or institution must, within a period of 21 days calculated from the date of the statement, bring such items to the attention of the registrar in writing and payment in respect of such disputed items shall, for the duration of the dispute, not be deemed to be in arrears.

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(2) The prescribed fees as referred to in the Schedule of Fees of Office as prescribed by regulation 84, must be paid prior to any service being rendered.".

Amendment of regulation 18

4. Regulation 18 of the Regulations is hereby amended by the addition of the following subregulations:

"(4) A document in the format of Form LLL must be completed and signed by a transferee, or, where there is no transfer of land, by the registered owner or holder, and it must be lodged for purposes mentioned in sub-regulation (5): Provided that the Form may also be completed and signed by an attorney, conveyancer, notary public or statutory officer on information received.

(5) Information contained in Form LLL that does not relate to a name, identity number, date of birth or registered number, as the case may be, must not be disclosed in any deed or document lodged for registration or execution and shall be captured and used only for statistical and land audit purposes relating to land ownership in South Africa.".

Substitution of regulation 19

5. The following regulation is hereby substituted for regulation 19 of the Regulations:

"**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 otherwise of any party thereto with any person whose name appears in any register kept in his or her Deeds Registry or that appears in the records of any other Government Department.".

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Amendment of regulation 20

6. Regulation 20 of the Regulations is hereby amended by the addition of the following subregulation:

"(9) The provisions of subregulations (1) to (8) apply with the necessary changes to deeds and documents submitted electronically in terms of the provisions of the Electronic Deeds Registration Systems Act.".

Substitution of regulation 30

7. The following regulation is hereby substituted for regulation 30 of the Regulations:

"**30.** In the description of immovable property the term 'share' shall be employed when an undivided share in a piece of immovable property is being dealt with, and such share shall be expressed in a percentage in its lowest term, the method of arriving at the result being also given in complicated cases.".

Amendment of regulation 39

8. Regulation 39 of the Regulations is hereby amended by the insertion in subregulation (1) after paragraph (j), of the following paragraph:

"(k) consent to any other act of registration in relation to the security hypothecated thereunder;".

Amendment of regulation 45

9. Regulation 45 of the Regulations is hereby amended:

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

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"(1) All deeds, bonds, documents and powers of attorney proper for execution or registration, as the case may be, lodged in terms of this Act, shall be lodged for examination by a conveyancer 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 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, in the manner approved by the Registrar."; and

(b) by the substitution for subregulation (7) of the following subregulation:

"(7) Although a deed lodged in terms of this Act or in terms of the Electronic Deeds Registration Systems Act 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.".

Amendment of regulation 51

10. Regulation 51 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) Where it is sought to deal with immovable property, the title deed of such property shall, notwithstanding the provisions of any other Act but save as provided in this Act and in subregulation (2) hereof, or if lodged in terms of the Electronic Deeds Registration Systems Act and the title deed is not available on the system, 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

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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.".

Amendment of regulation 65

11. Regulation 65 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(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 or as provided in terms of the Electronic Deeds Registration Systems Act, lodge for filing with the Registrar the original power under which he or she claims to act.".

Amendment of regulation 68

12. Regulation 68 of the Regulations is hereby amended 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, registered in terms of the provisions of this Act and not incorporated in the electronic deeds registration system, or if so incorporated but in respect of which the provisions of section 3(2) of the Electronic Deeds Registration Systems Act applies, 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 or her 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

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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 or her, it shall, notwithstanding the provisions of subregulation (2), be competent for him or her 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).".

Substitution of regulation 69

13. The following regulation is hereby substituted for regulation 69 of the Regulations:

"**69.** When the original of a notarial bond which has been registered, in terms of the provisions of this Act, at two or more Deeds Registries has been lost or destroyed the registered holder thereof or his or her 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 a 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.".

Amendment of forms

14. The Regulations are hereby amended by the addition of the following form:

"FORM LLL

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Information obtained in terms of Regulation 18 (4) of the Deeds Registries Act, 1937 (Act 47 of 1937)

State whether the Form is completed by a * natural person / juristic person / trust/ association/ body corporate/ other (specify)					
Surname: (*to be completed by natural persons only*)					
Full Names:					
South African Identity Number or Date of Birth / Registration number / Trust number / other number					
Foreign Passport Number if not a South African citizen: (*to be completed by natural persons only*)					
**** Race:**	**Black African**	**Coloured**	**Indian**	**White**	**Other (specify)**
**** Gender:**	**Female**		**Male**	**Other**	
**** Nationality:**					
Are you a South African citizen? (*to be completed by natural persons only*)	**Yes**		**No**	**If no, state citizenship**	
Foreign company / trust / association / other	**Yes**		**No**	**If yes, state country of incorporation**	

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Permanent Resident status:	**Yes**	**No**

* *Omit which is not applicable*

** *Specifics relating to race, gender and nationality must relate to the majority shareholding / beneficiaries / members / others when not completed by a natural person*

- ***NOTE: The above information may be used only for statistical and land audit purposes relating to land ownership in South Africa.***

I... (full name of transferee / registered owner or holder / attorney / conveyancer /notary public / statutory officer) hereby certify to the correctness of the above-mentioned information.

Dated at .... this ....day of ....
Signature:

...."

Short title

15. These regulations shall be known as the Deeds Registries Amendment Regulations, 2025.

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DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

NO. 5948 **5 Maart 2025**

REGISTRASIE VAN AKTES WET, 1937 (WET NO. 47 VAN 1937): WYSIGING VAN REGULASIES

Kragtens artikel 9(9) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), keur ek, Mzwanele Nyhontso, Minister van Landelike Ontwikkeling en Grondhervorming, hiermee die regulasies soos in die Bylae vervat, uitgevaardig deur die Registrasieregulasieraad kragtens artikel 10 van bedoelde Wet, goed. Die Regulasies tree in werking een maand vanaf die datum van publikasie hiervan in die *Staatskoerant*

MNR MZWANELE NYHONTSO, LP
MINISTER VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING

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BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Regulasies" die regulasies uitgevaardig by Goewermentskennisgewing No. R. 474 van 29 Maart 1963, soos gewysig.

Vervanging van regulasie 2

2. Regulasie 2 van die Regulasies word hierby deur die volgende regulasie vervang:

"**2.** In hierdie regulasies beteken die uitdrukking –

(a) **"die Wet"**, Wet 47 van 1937 en enige wysiging daarvan; en

(b) **"Wet op Elektroniese Stelsel vir Registrasie van Aktes"**, die Wet op Elektroniese Stelsel vir Registrasie van Aktes, 2019 (Wet 19 van 2019), en enige wysiging daarvan.".

Vervanging van regulasie 4A

3. Regulasie 4A van die Regulasies word hierby deur die volgende regulasie vervang:

"**4A.** (1) Die uitdrukking "agterstallig" beteken, vir die doeleindes van regulasie 45 (8), onbetaald na verstryking van 'n tydperk soos deur die Hoofregistrateur van Aktes bepaal, welke tydperk nie minder as 30 dae gereken vanaf die datum van die rekening mag wees nie: Met dien verstande dat, indien die korrektheid van bepaalde items op 'n rekening deur die betrokke transportbesorger, notaris, firma of instansie betwis word, sodanig transportbesorger, notaris, firma of instansie die betrokke items skriftelik onder die registrateur se aandag moet bring binne 'n tydperk van 21 dae gereken vanaf die datum van die rekening, en sal betaling van sodanige betwiste items nie vir die tydperk van die twisgeding as agterstallig geag word

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(2) Die voorgeskrewe gelde soos na verwys in die Lys van Kantoorgelde soos voorgeskryf by regulasie 84, moet betaal word voor die lewering van enige dienste.".

Wysiging van Regulasie 18

4. Regulasie 18 van die Regulasies word hierby gewysig deur die byvoeging van die volgende subregulasies:

"(4) 'n Dokument in die formaat van Vorm LLL moet voltooi word deur die transportnemer, of, waar daar geen oordrag van grond is nie, deur die geregistreerde eienaar of houer, en dit moet ingedien word vir doeleindes vermeld in subregulasie (5): Met dien verstande dat die vorm ook voltooi en onderteken mag word deur 'n prokureur, aktevervaardiger, notaris of statutêre beampte op sterkte van inligting ontvang.

(5) Inligting vervat in Vorm LLL wat nie betrekking het op 'n naam, identiteitsnommer, geboortedatum of geregistreerde nommer nie, na gelang van die geval, moet nie uiteengesit word in enige akte of dokument wat ingedien word vir registrasie of eksekusie nie, en moet vasgelê en gebruik word alleenlik vir doeleindes van statistieke en grondoudit rakende grond eienaarskap in Suid Afrika.".

Vervanging van regulasie 19

5. Regulasie 19 van die Regulasies word hierby deur die volgende regulasie vervang:

"**19.** 'n Registrateur is gemagtig om, in verband met enige akte of dokument wat vir verlyding, registrasie of aantekening aangebied word, bewyse te vorder om die identiteit of andersins van enige party daarby te bevestig met enige persoon wie se naam voorkom in enige register wat in sy of haar Registrasiekantoor gehou word of wat in die rekords van enige ander staatsdepartement verskyn.".

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Wysiging van Regulasie 20

6. Regulasie 20 van die Regulasies word hierby gewysig deur die byvoeging van die volgende subregulasie:

"(9) Die bepalings van subregulasies (1) tot (8) is met die nodige veranderings van toepassing op aktes en dokumente wat elektronies ingedien is ingevolge die bepalings van die Wet op Elektroniese Stelsel vir Registrasie van Aktes".

Vervanging van regulasie 30

7. Regulasie 30 van die Regulasies word hierby deur die volgende regulasie vervang:

"**30.** By die beskrywing van onroerende goed moet die uitdruking "aandeel" gebesig word, wanneer daar sprake is van 'n onverdeelde aandeel in 'n stuk onroerende goed, en sodanige aandeel moet uitgedruk word in 'n persentasie in sy kleinste vorm; in ingewikkelde gevalle moet duidelik gemaak word hoe die resultaat verkry is.".

Wysiging van Regulasie 39

8. Regulasie 39 van die Regulasies word hierby gewysig deur in subregulasie (1) na paragraaf (j) die volgende paragraaf in te voeg:

"(k) toestemming vir enige ander registrasiehandeling met betrekking tot die sekuriteit daarkragtens verhipotekeer;".

Wysiging van regulasie 45

9. Regulasie 45 van die Regulasies word hierby gewysig-

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(*a*) deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) Alle aktes, verbande, dokumente en prokurasies wat vir verlyding of registrasie, na gelang van die geval, geskik is en ingevolge die bepalings van hierdie Wet ingedien word, moet deur 'n transportbesorger of deur 'n persoon wat in diens van 'n transportbesorger is in omslae vir nasiening ingedien word by die ontvangsklerk (wat die datum van indiening daarop aanteken) op werksdae gedurende die ure wat die Registrateur bepaal: Met dien verstande dat 'n notaris of 'n persoon wat in diens van sodanige notaris is, notariële aktes kan indien: Met dien verstande verder dat enige dokument wat ten behoewe van 'n staatsdepartement of 'n ontwikkelingsraad ingedien word, deur enige persoon in diens van die betrokke departement of ontwikkelingsraad ingedien kan word, al sou daardie persoon nie 'n notaris of transportbesorger wees nie, op die wyse goedgekeur deur die Registrateur."; en

(*b*) deur subregulasie (7) deur die volgende subregulasie te vervang:

"(7) Hoewel 'n akte, ingedien ingevolge hierdie Wet of kragtens die bepalings van die Wet op Elektroniese Stelsel vir Registrasie van Aktes, in die eerste plek deeglik ondersoek moet word as 'n gebrek van 'n aard wat verwerping regverdig, ontdek word in verband met enige akte of ander dokument vir verlyding of registrasie ingedien, is die Registrateur bevoeg om te gelas dat die verdere ondersoek van die akte uitgestel word totdat die gebrek verhelp is, en om sodanige akte in die gewone loop van sake te verwerp.".

Wysiging van regulasie 51

10. Regulasie 51 van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

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"(1) Waar begeer word om met onroerende goed te handel, moet, nieteenstaande die bepalings van enige Wet, maar behoudens die bepalings van hierdie Wet en in subregulasie (2) hiervan, of in geval van indiening ingevolge die bepalings van die Wet op Elektroniese Stelsel vir Registrasie van Aktes en waar die titelbewys nie op die sisteem beskikbaar is nie, die titelbewys van sodanige eiendom oorgelê en in die akte wat oor sodanige eiendom handel, genoem word. Tensy die Registrateur dit vereis, is dit egter nie nodig om enige akte waarkragtens die eiendom vantevore besit is, oor te lê nie, of sodanige akte die kaartakte of enige intermediêre akte is, en ewemin word van die Registrateur vereis om daarop enige latere handelinge met die eiendom te vermeld nie.".

Wysiging van regulasie 65

11. Regulasie 65 van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) As iemand wens om in 'n Registrasiekantoor 'n akte te passeer, sedeer of rojeer of iets anders te doen ten behoewe van iemand anders, moet hy of sy, behoudens wat hieronder of ingevolge die bepalings van die Wet op Elektroniese Stelsel vir Registrasie van Aktes bepaal word, die oorspronklike volmag waarvolgens hy of sy aanspraak maak om te handel, vir bewaring by die Registrateur indien.".

Wysiging van regulasie 68

12. Regulasie 68 van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) As 'n akte waarby reg op grond of enige belang daarin of enige saaklike reg verleen word, of enige geregistreerde huurkontrak of onderhuurkontrak of geregistreerde sessie daarvan of enige verbandakte of notariële verband, geregistreer ingevolge die bepalings van hierdie Wet en nie

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geinkorporeer in die elektroniese stelsel van registrasie van aktes nie, of indien so geinkorporeer maar met betrekking tot wat die bepalings van artikel 3(2) van die Wet op Elektroniese Stelsel vir Registrasie van Aktes van toepasing is, verlore raak of vernietig is, en 'n afskrif nodig is vir 'n ander doel as vir dié genoem in enigeen van die laaste twee voorafgaande regulasies, kan die geregistreerde houer daarvan, of sy of haar behoorlik gemagtigde agent, skriftelike aansoek doen om sodanige afskrif, en dié aansoek moet vergesel wees van 'n beëdigde verklaring wat die akte beskryf, en meld dat dit nie verpand of deur iemand gehou word as sekuriteit vir skuld of andersins nie, maar dat dit werklik verlore geraak het of vernietig is, en dat dit na grondige ondersoek nie te vind is nie, en verder om, waar moontlik, die omstandighede uiteen te sit waaronder dit verlore geraak het of vernietig is: Met dien verstande dat waar 'n Registrateur oortuig is dat enige akte waarna in hierdie paragraaf verwys word, onopsetlik deur hom of haar verloor, vernietig, geskend of beskadig is, hy of sy, nieteenstaande die bepalings van subregulasie (2), 'n afskrif daarvan gratis kan uitreik by voorlegging van 'n aansoek en beëdigde verklaring deur die betrokke transportbesorger of persoon bedoel in artikel 15A (2).".

Vervanging van regulasie 69

13. Regulasie 69 van die Regulasies word hierby deur die volgende regulasie vervang:

"**69.** As die oorspronklike notariële verband wat ingevolge die bepalings van hierdie Wet in twee of meer Registrasiekantore geregistreer is, verlore geraak het of vernietig is, kan die geregistreerde houer daarvan of sy of haar behoorlik gemagtigde agent, kragtens die bepalings van die voorafgaande regulasie, verkies om aansoek te doen om 'n gesertifiseerde afskrif daarvan by die verantwoordelike Registrateur van enige sodanige Registrasiekantoor, maar alvorens hy of sy sodanige afskrif uitreik, moet die Registrateur by wie aansoek gedoen word, eis dat 'n sertifikaat oorgelê word van die Registrateur van elkeen van die ander Registrasiekantore waar

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sodanige verband registreerbaar was, wat verklaar dat daar geen beswaar bestaan teen die uitreiking van sodanige afskrif aan die applikant nie, en wat volledige besonderhede bevat van al die endossemente van registrasie en van enige sessies of ander transaksies wat ten aansien van sodanige verband op sodanige ander Registrasiekantoor geregistreer mag wees, en verder moet hy of sy by die uitreiking van sodanige afskrif dadelik aan die ander Registrateur bekendmaak dat dit uitgereik is.".

Wysiging van Vorms

14. Die Regulasies word hierby gewysig deur die byvoeging van die volgende vorm:

"VORM LLL

Inligting verkry kragtens Regulasie 18(4) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937)

Vermeld of die Vorm voltooi is deur 'n *natuurlike persoon / regspersoon / trust / assosiasie /ander (spesifiseer)																	
Van: (om alleenlik deur natuurlike persone voltooi te word)																	
Volle name:																	
Suid Afrikaanse Identiteitsnommer of geboortedatum / Registrasie nommer / Trust nommer / ander nommer																	
Buitelands paspoort indien nie 'n Suid Afrikaanse burger nie: (om alleenlik deur natuurlike persone voltooi te word)																	

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** Ras:	Swart Afrikaan	Gekleurde	Indiër	Wit	Ander (spesifiseer)
** Geslag:	Vroulik		Manlik		Ander
** Nasionaliteit:					
Is jy 'n Suid Afrikaanse burger? (om alleenlik deur natuurlike persone voltooi te word)	Ja		Nee		Indien nee, vermeld burgerskap
Buitelands maatskappy / trust / assosiasie /ander	Ja		Nee		Indien ja, vermeld land van inkorporasie
Permanente residensiëele status:	Ja		Nee		

* *Skrap waar nie van toepassing is nie*

** *Spesifieke inligting met betrekking tot ras, geslag en nasionaliteit moet van toepassing wees op die meerderheids aandeelhouerskap / begunstigdes / lede / ander, waar dit nie deur 'n regspersoon voltooi is nie*

- ***NOTA: Bogenoemde inligting mag alleenlik vir doeleindes van statistieke en grondoudit rakende grond eienaarskap in Suid Afrika gebruik word.***

Ek.. (volle name van transportnemer/ geregistreerde eienaar of houer / prokureur / aktevervaardiger / notaris / statutêre beampte) sertifisseer hierby tot die korrektheid van bogenoemde inligting.

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Gedateer te .... Op hierdie ....dag van

....

Handtekening:

....".

Kort titel

15. Hierdie regulasies heet die Aktesregistrasie Wysigingsregulasies, 2025.