

AUTHENTICATION OF DOCUMENTS

THERE ARE SPECIAL AUTHENTICATION REQUIREMENTS TO BE MET WHEN A DOCUMENT, REQUIRED FOR FORMAL USE IN SOUTH AFRICA, IS SIGNED OUTSIDE OUR BORDERS.

These include the documents involved in a property transfer transaction. Depending on the country where the document is signed, one or more options exist. Follow the below guideline carefully, as non-compliance will require re-signing and delays the transaction. Remember, in addition, that:

- Documents must be signed clearly and in black ink; and
- Where a document consists of more than one page, the first page must be initialed in the bottom right-hand corner by all parties and witnesses, and the full signatures must appear on the last page.

Documents can be authenticated, depending on the country, as follows:

THE GENERAL RULE FOR ALL COUNTRIES

In terms of High Court Rule 63, documents must be signed by the parties in the presence of:

- The head of the South Africa diplomatic/consular mission;
- A person in the administrative or professional division of the public service serving as a South African diplomatic consular abroad;
- Any government authority of such foreign country charged with the authentication of documents; or
- The consul-general, consul, vice-consul or consular agent of United Kingdom in that foreign country.

An authentication certificate, signed by the above person, must be attached to the documents.

AN ADDITIONAL OPTION FOR CERTAIN COUNTRIES

Botswana, Lesotho, Great Britain and Northern Ireland, Swaziland, Zimbabwe

In these countries, it is sufficient if the document is signed by the parties in the presence of a notary practising in the country. The notary must identify the signatures, sign the document, and affix his/her seal of office to the documents.

Member States of the Hague Convention

In these countries, it is sufficient if the document is signed by the parties in the presence of any South African diplomatic or consular agent in the member country. The document must be authenticated by an Apostille, issued and signed by the above person. For a list of member states, search at www.hcch.net.