



OFFICE OF THE CHIEF REGISTRAR OF DEEDS
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CHIEF REGISTRAR'S CIRCULAR NO. 2 OF 2026

SUSPENSION OF RCR 15 OF 2003 SECTION 66 OF DEEDS REGISTRIES ACT, 1937 (ACT 47 OF 1937) - CESSION OF PERSONAL SERVITUDES

1. In **RCR 15/2003** the question is asked whether a personal servitude, other than a *usufructus*, *usus* or *habitatio*, may be ceded. The Registrars' Conference ruled that personal servitudes other than the common law servitudes referred to in section 66 of the Deeds Registries Act, 1937 (Act 47 of 1937), are capable of being ceded dependent on the nature of the right and the terms upon which the servitude was created. As authority, Registrars' Conference cited *Durban City Council v Woodhaven Limited and Others* 1987 (3) SA 555(A) at 562.
2. **RCR 15/2003**, in fact, contradicts the ruling in the *Durban City Council v Woodhaven Limited and Others* case, where the Court ruled that personal servitudes are not capable of being ceded. The Court referred to section 66 of Act 47 of 1937 and stated that the said section '*gives full effect to our common law by providing that no personal servitude of usufruct, usus or habitatio, purporting to extend beyond the life-time of the person in whose favour it is created, shall be registered. Nor may a transfer or cession of such personal servitude to any person other than the owner of the land encumbered thereby, be registered.*'
3. In view of above, **RCR 15/2003** is suspended with immediate effect and will be submitted to the next Registrars' Conference for formal withdrawal.

CHIEF REGISTRAR OF DEEDS

DATE: 20 February 2026

REFERENCE: 14/P
RINGBINDER: 56

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