



land reform & rural development

Department
Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA



OFFICE OF THE CHIEF REGISTRAR OF DEEDS
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CHIEF REGISTRAR'S CIRCULAR NO. 4 OF 2026

TRANSFER OF ASSETS FROM ESKOM HOLDINGS (SOC) LTD TO NATIONAL TRANSMISSION COMPANY SOUTH AFRICA (SOC) LTD IN TERMS OF SECTION 116 OF THE COMPANIES ACT, 2008 (ACT 71 OF 2008)

1. CRC 2 OF 2024

Clause 4.7 of Chief Registrar's Circular 2 of 2024 is applicable and must be read in conjunction with this Circular.

2. MERGER AGREEMENT BETWEEN ESKOM AND NTCSA

- 2.1. Eskom Holdings (Soc) Ltd (registration number 2002/015527/30) ('ESKOM') and the National Transmission Company South Africa (Soc) Ltd (registration number 2021/539129/30) ('NTCSA') entered into a merger agreement in terms of section 116 of the Companies Act 71 of 2008 ('the Companies Act'), in terms of which certain assets, including immovable assets, must be transferred from ESKOM to NTCSA. The merger was implemented on 01 July 2024.
- 2.2. In terms of section 116(8) of the Companies Act, a copy of the merger agreement together with a copy of the filed notice of merger constitutes sufficient evidence for the Registrar of Deeds to effect a transfer of the registration of a relevant property.
 - *A copy of the Merger Agreement; filed Notice of Merger; and Affidavit regarding the implementation date, must be filed under **BC No. 1 / 2026** in all deeds registries.*

3. PROCEDURE TO BE FOLLOWED IN DEEDS REGISTRIES REGARDING THE ENDORSEMENT OF DEEDS TO RECORD THE TRANSFER OF REGISTRATION OF ASSETS

3.1. Identification of assets

- 3.1.1. The assets to be transferred are identified in **Schedule A** hereto. This Schedule, however, is incomplete.

3.1.2. Until such time a complete Schedule that identifies all the assets is filed in all the deeds registries, all relevant deeds/documents that are lodged for endorsement must be accompanied by affidavits signed on behalf of both ESKOM and NTCSA. The affidavits must confirm that the relevant property/bond/ real right is included in the assets to be transferred in terms of the Merger Agreement.

- Each affidavit is to be substantially in the form of the attached ***specimen affidavits***.

3.2. Lodgement and endorsement of Documents/Deeds:

3.2.1 A copy of the Merger Agreement and copy of the filed Notice of Merger need not be lodged as it is filed under **BC No. 1 / 2026** (see par. 2.2 above).

3.2.2. An endorsement by the Registrar of Deeds to effect transfer of the registration of property, being land and bonds and other real rights as provided for in section 116(8) of the Companies Act, must be effected on the lodgement of an application in terms of section 3(1)(v) of the Deeds Registries Act, 1937 (Act 47 of 1937), together with the relevant title deed/bond.

3.2.3. The section 3(1)(v) application must be allocated a “BC” code and must, together with the relevant title deed/bond/servitude, be lodged in a coloured cover.

- No Transfer Duty Receipt/Exemption Certificate/rates clearance certificate need to be lodged (see CRC 2 of 2024, par. 4.7.2.1).

3.2.4. The relevant title deed/bond/servitude must be endorsed along the following lines:

Endorsement in terms of section 3(1)(v) of Act 47 of 1937, read with section 116(8) of the Companies Act 71 of 2008

*The rights of Eskom Holdings (Soc) Ltd (registration number 2002/015527/30) ('ESKOM') as the registered * owner / holder of the land, bond, servitude or other right or interest reflected in this deed have vested in the National Transmission Company South Africa (Soc) Ltd (Registration number 2021/539129/30) ('NTCSA') by operation of law pursuant to a merger in terms of the Companies Act, 2008 (Act 71 of 2008), and as required in terms of section 116(8) of that Act, the transfer of the registration from ESKOM to NTCSA is noted by the endorsement on this deed to that effect.*

Merger documentation filed under BC 1/2026

Application filed with BC

.....
.....

Date

Registrar of Deeds

**** Delete whichever is not applicable***

3.2.5. The piecemeal lodgement and endorsement of deeds/documents is allowable.

4. OFFICE FEES

The Office Fee as prescribed in Item 1(d) of the Schedule of Fees of Office in Regulation 84 of Act 47 of 1937 is payable in respect of an endorsement referred to in par. 3.2.4 above (see par. 5 of CRC 2 of 2024).



CHIEF REGISTRAR OF DEEDS

DATE: 20 February 2026

REFERENCE: 14/P
RINGBINDER: 39

CHIEF REGISTRAR OF DEEDS
REGISTRARS OF DEEDS
DEEDS TRAINING
LAW SOCIETY OF SOUTH AFRICA
LEGAL PRACTICE COUNCIL OF SOUTH AFRICA: PRETORIA

AFFIDAVIT (1)

- To be completed by authorised official from ESKOM.

I, the undersigned(Full name and ID number)

DO HEREBY MAKE OATH AND STATE THAT –

- I have been duly authorised by **Eskom Holdings (Soc) Ltd (registration number 2002/015527/30)**, by Resolution dated, to depose to this affidavit and the facts herein contained are within my personal knowledge and are to the best of my knowledge both true and correct;
- The following asset(refer to complete property description/servitude description/ mortgage assets) registered under (refer to registered number of title deed/servitude/ bond), registered in the deeds registry at, is included in the assets to be transferred, in terms of section 116(8) of the Companies Act 71 of 2008, from *Eskom Holdings (Soc) Ltd (registration number 2002/015527/30)* to the *National Transmission Company South Africa (Soc) Ltd (registration number 2021/539129/30)*, in terms of the Merger Agreement filed under **BC 1/2026** in all deeds registries.

.....

Signature and date:

The deponent has acknowledged that he/she knows and understands the contents of this affidavit.

SIGNED AND SWORN to before me at on

.....

.....

COMMISSIONER OF OATHS

FULL NAMES:
AREA:
APPOINTMENT:
ADDRESS:

AFFIDAVIT (2)

- To be completed by authorised official from NTCSA.

I, the undersigned(Full name and ID number)

DO HEREBY MAKE OATH AND STATE THAT –

- I have been duly authorised by the **National Transmission Company South Africa (Soc) Ltd (registration number 2021/539129/30)**, by Resolution datedto depose to this affidavit and the facts herein contained are within my personal knowledge and are to the best of my knowledge both true and correct;
- The following asset(refer to complete property description/servitude description/ mortgage assets) registered under (refer to registered number of title deed/servitude/ bond), registered in the deeds registry at, is included in the assets to be transferred, in terms of section 116(8) of the Companies Act 71 of 2008, from *Eskom Holdings (Soc) Ltd (registration number 2002/015527/30)*, to the *National Transmission Company South Africa (Soc) Ltd (registration number 2021/539129/30)*, in terms of the Merger Agreement filed under **BC 1/2026** in all deeds registries.

.....

Signature and date:

The deponent has acknowledged that he/she knows and understands the contents of this affidavit.

SIGNED AND SWORN to before me at on

.....

.....

COMMISSIONER OF OATHS

FULL NAMES:
AREA:
APPOINTMENT:
ADDRESS: