

REPUBLIC OF SOUTH AFRICA

**ELECTRONIC DEEDS REGISTRATION AND RECORDAL SYSTEMS
AMENDMENT BILL**

*(As introduced in the National Assembly as a section 75 Bill; Bill published in
Government Gazette No. of)(The English text is the official text of the
Bill)*

(MINISTER OF LAND REFORM AND RURAL DEVELOPMENT)

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.
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BILL

To amend the Electronic Deeds Registration and Recordal Systems Act, 2019, so as to provide that a client copy of a registered or executed deed or document remains a valid copy for certain purposes; to provide that a transaction pertaining to a property registered electronically results in subsequent transactions being registered electronically; to provide for additional transitional arrangements for electronic registration subject to the development of the electronic deeds registration and recordal system; to provide for the consequential amendment of certain legislation to the extent set out in the Schedule; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows: —

Amendment of section 3 of Act 19 of 2019, as amended by section 13 of Act 20 of 2024

1. The following section is hereby substituted for section 3 of the Electronic Deeds Registration and Recordal Systems Act, 2019 (Act No. 19 of 2019) (hereinafter referred to as the “principal Act”):

“Validity of deeds and documents

3. (1) Subject to section 14 of the Electronic Communications and Transactions Act, a deed or document generated, registered and executed electronically and any other registered, recorded or executed deed or document scanned or otherwise incorporated into the electronic deeds registration and recordal system by electronic means is, subject to subsection (2), for all purposes deemed to be the only original and valid record.

(2) A client copy of a registered or executed deed or document processed manually is valid for purposes of subsequent preparation, lodgement, registration, execution and filing of such deed or document as contemplated in section 6(4) only until such time as a further subsequent transaction in respect of such property is registered electronically.

Amendment of section 6 of Act 19 of 2019, as amended by section 13 of Act 20 of 2024

2. Section 6 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) (a) Notwithstanding subsections (2) and (3), the Chief Registrar of Deeds may issue a directive for the continuation of the preparation, lodgement, registration, recording, execution and filing of deeds and documents manually, as prescribed by the Deeds Registries Act and the Sectional Titles Act, whereupon a conveyancer, statutory officer and notary public may either use the said manual system or the electronic deeds registration and recordal system, until such period as may be determined by the Chief Registrar.

(b) If a transaction pertaining to a property is registered electronically, subsequent transactions pertaining to such property must also be registered electronically.

(c) If the functional requirements for the electronic registration of subsequent transactions pertaining to a property, as contemplated in paragraph (b), for the electronic deeds registration and

recordal system is not developed and operational, the Chief Registrar of Deeds may issue a directive as contemplated in section 2(2) to provide for the manner of registration of such subsequent transactions.”.

Amendment of legislation

3. The laws mentioned in the Schedule are amended to the extent indicated in the fourth column of the Schedule.

Short title and commencement

4. This Act is called the Electronic Deeds Registration and Recordal Systems Amendment Act, 2026, and comes into operation on date of publication in the *Gazette*.

SCHEDULE

LEGISLATION AMENDED BY SECTION 3

Item No.	No. and year of Act	Short title	Extent of amendment
1.	Act No. 47 of 1937	Deeds Registries Act, 1937	1. The amendment of section 1— (a) by the deletion in subsection (1) of paragraph (d); and (b) by the deletion of subsection (1A).
			2. The amendment of section 3— (a) by the substitution in subsection (1) for paragraph (b) of the following paragraph: “(b) examine all deeds or other documents submitted to him <u>or her</u> for execution, [or] registration, <u>or recordal</u> and after examination reject any

			such deed or other document the execution, [or] registration <u>or recordal</u> of which is not permitted by this Act or by any other law, or to the execution, [or] registration, <u>or recordal</u> of which any other valid objection exists: Provided that such deed or document need not be examined in its entirety before being rejected;”; (b) by the substitution in subsection (1) for the words following paragraph (z) of the following words: “and generally the registrar shall discharge all such duties as by law may or are to be discharged by a registrar of deeds or as are necessary to give effect to the provisions of this Act [: Provided that nothing in this Act contained shall be construed as imposing upon the registrar at Johannesburg the duty of registering any deed or other document which he would not have registered if this Act had not been passed.]”; and (c) by the addition after subsection (4) of the following subsection: <u>“(5) A registrar must, in respect of a deed or document submitted electronically as provided for in the Electronic Deeds Registration and</u>
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			<u>Recordal Systems Act, perform his or her duties in sub-section (1) subject to the provisions of this Act, the Electronic Deeds Registration and Recordal Systems Act, and the regulations and directives issued thereunder.”.</u> 3. The insertion of the following section after section 3: <u>“Deeds submitted under Electronic Deeds Registration and Recordal Systems Act</u> <u>3A.</u> <u>The provisions of this Act apply, with the necessary changes, in respect of deeds and documents submitted electronically in terms of the provisions of the Electronic Deeds Registration and Recordal Systems Act, which changes includes—</u> <u>(a) that in the case of a certificate of title provided for in this Act, application must be made for the registration thereof and not for the issuing thereof;</u> <u>(b) any provision in this Act or Regulations that require the lodgement of a title deed, any registered bond and any registered deed of lease or other registered deed whereby any real right therein is held, shall</u>
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			<u>not apply if such registered deed or bond is stored on the electronic deeds registration and recordal system.</u> 4. The insertion of the following section after section 38: <u>“Certificate of registered title taking place of lost, destroyed or incomplete deed stored on electronic deeds registration and recordal system</u> <u>38. A (1)</u> If a title deed of any land stored on the electronic deeds registration and recordal system has been lost, destroyed or incomplete the registrar shall, on written application by the owner of the land, accompanied by a diagram of the land, if no diagram thereof is filed in the registry or in the office of the surveyor-general concerned, execute a certificate of registered title in respect of such land in accordance with the diagram of the land. <u>(2)</u> Before executing the certificate referred to in subsection (1) the registrar shall, at his or her expense, publish in the prescribed form notice of intention to register the certificate in two consecutive ordinary issues of the Gazette and in two consecutive issues of a newspaper
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			<u>circulating in such division, district or county in which the land is situated.</u> <u>(3) A draft of the proposed certificate and a copy of the diagram, if any, accompanying the application, shall be open for inspection in the registry free of charge by any interested person, for a period of two weeks after the date of the first publication of the notice in the Gazette, during which period any person interested may object to the registration of the certificate.</u> <u>(4) Any person who has lodged with the registrar an objection to the registration of the certificate may, in default of any arrangement between him and the applicant, apply to the court within one month after the last day upon which an objection may be lodged, for an order prohibiting the registrar from registering the certificate, and the court may make such order on the application as it may deem fit.</u> <u>(5) A certificate of registered title registered under this section shall be as nearly as practicable in the prescribed form and shall take the place of the lost, destroyed or incomplete title deed and shall embody or refer to every condition, servitude, bond, lease or other</u>
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			<u>encumbrance which according to the records of the registry was embodied or referred to in the lost, destroyed or incomplete title deed or in any endorsement thereon.”.</u> 5. The deletion of section 46A. 6. The deletion of section 48. 7. The deletion of section 49. 8. The amendment of section 62— (a) by the substitution for subsection (1) of the following subsection: “(1) Save as provided in subsections <u>(1A)</u>; (3) and (4), every notarial bond shall be registered in the deeds registry for the area in which the debtor resides and carries on business, or if he resides and carries on business in areas served by different deeds registries, in the deeds registry for the area in which he resides and in every deeds registry serving any area in which he carries on business: Provided that notarial bonds passed in Natal in pursuance of the Notarial Bonds (Natal) Act, 1932 (Act 18 of 1932), irrespective of whether the debtor resides or carries on business in Natal, shall be sufficiently registered
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			for the purposes of this Act if registered in the deeds registry at Pietermaritzburg.”; and (b) by the insertion after subsection (1) of the following subsection: <u>“(1A) If a debtor under a notarial bond resides and carries on business in areas served by different deeds registries, such notarial bond shall, if submitted electronically in terms of the provisions of the Electronic Deeds Registration and Recordal Systems Act, be effective for the whole of the Republic if registered in the deeds registry that serves the area where the debtor resides.”.</u> 9. The amendment of section 77 by the substitution for subsection (1) <i>bis</i> of the following subsection: <u>“(1) <i>bis</i> Whenever a cession of a lease is to be registered in respect of any portion of the land leased, a notarial copy of the lease shall be attached to such cession and after registration such cession with the notarially certified copy of the lease annexed thereto shall be deemed to be the title to the portion of the lease so ceded, and for any subsequent registration in respect thereof it shall be part of the title[.].”</u>
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			<u>Provided that if a cession is submitted electronically in terms of the provisions of the Electronic Deeds Registration and Recordal Systems Act, a notarial certified copy of the lease must not be attached to the cession if such notarial lease is stored on the electronic deeds registration and recordal system.”.</u> 10. The amendment of section 101— (a) by the substitution for the heading of the following heading: <u>“101. Special provisions relating to [Vryburg deeds registry] certificates of ownership issued by Administrator of British Bechuanaland prior to its annexation to the Colony of the Cape of Good Hope”;</u> (b) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: “(1) The practice prevailing prior to the commencement of the Deeds Registries Act, 1918, in the deeds registry at Vryburg of transferring or mortgaging land held under a certificate of ownership issued by the Administrator of the territory known as British Bechuanaland
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			prior to its annexation to the Colony of the Cape of Good Hope, and which was declared by that Act to be legal and of effect, shall continue to be legal and of effect <u>in any deeds registry having the necessary jurisdiction</u>: Provided that—”; and (c) by the substitution for subsection (2) of the following subsection: “(2) The provisional registration in the deeds registry at Vryburg of any cession or assignment of rights to unascertained or unsurveyed land, prescribed by Government Notice (British Bechuanaland) of the thirteenth day of November, 1886, shall continue to be of force, <u>in any deeds registry having the necessary jurisdiction</u>, in respect of land to which a right of ownership was acquired prior to the annexation of British Bechuanaland to the Colony of the Cape of Good Hope, until such time as a grant of such land has been registered.”.
2.	Act No. 95 of 1986	Sectional Titles Act, 1986	1. The amendment of section 1 by the insertion after the definition of “draft sectional plan” of the following definition:

			<u>“Electronic Deeds Registration and Recordal Systems Act”</u> means the <u>Electronic Deeds Registration and Recordal Systems Act, 2019 (Act 19 of 2019);</u>”. 2. The amendment of section 3— (a) by the substitution for the heading of the following heading: <u>“Application of Deeds Registries Act, <u>Electronic Deeds Registration and Recordal Systems Act,</u></u> reproduction of documents, and units deemed to be land”; (b) by the substitution for subsection (1) of the following subsection: “(1) Save as is otherwise provided in this Act; <u>the Electronic Deeds Registration and Recordal Systems Act</u> or any other law or the context otherwise indicates, the provisions of the Deeds Registries Act shall, in so far as such provisions can be so applied, apply mutatis mutandis in relation to all documents registered or filed or intended to be registered or filed in a deeds registry in terms of this Act.”; and (c) by the addition after subsection (4) of the following subsection:
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			<u>“(5) The provisions of this Act apply, with the necessary changes, in respect of deeds, documents and sectional plans submitted electronically in terms of the provisions of the Electronic Deeds Registration and Recordal Systems Act, which changes include—</u> <u>(a) that in the case of a certificate of title and certificate of real rights provided for in this Act, application must be made for the registration thereof and not for the issuing thereof;</u> <u>(b) any provision in this Act or Regulations that require the lodgement of a title deed, any registered bond and any registered deed of lease or other registered deed whereby any real right therein is held, will not apply if such registered deed or bond is stored on the electronic deeds registration and recordal system;</u> <u>(c) sectional plans must, notwithstanding any provision herein but subject</u>
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			<u>to any provision of a directive issued under section 2 of the Electronic Deeds Registration and Recordal Systems Act, be lodged in single”.</u>
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