



agriculture, land reform & rural development

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE CHIEF REGISTRAR OF DEEDS

Private Bag X918, PRETORIA, 0001; TEL: (012) 338 7350, WEB: www.dalrrd.gov.za

REGISTRARS' CONFERENCE RESOLUTIONS 2022

A. WITHDRAWAL OF REGISTRARS' CONFERENCE RESOLUTIONS

1/2022 The following Registrars' Conference Resolutions are withdrawn:

- RCR 3/1949 (see regulation 63(2) of Deeds Registries Act 47 of 1937);
- RCR 61(17)/1964 (procedural matter dealt with by deeds registries);
- RCR 50/1965 (outdated);
- RCR 45/1970 (not relevant);
- RCR 75/1987 (outdated);
- RCR 18/1988 (see regulation 44(d)(ii)(aa) of Act 47 of 1937, as amended);
- RCR 52/1996 (not deeds related);
- RCR 53/1996 (not relevant);
- RCR35/2012 (not relevant);
- RCR58/2013 (see RCR2/2022).

B. PREVIOUS CONFERENCE RESOLUTIONS:

2/2022 **Divorcees as joint developers – Establishment of a Body Corporate**

Property is owned jointly by a husband and wife, married in community of property. They have opened a scheme and thereafter are divorced. The units in the scheme were jointly awarded to them. They want to transfer one section to one of the spouses in terms of an amended agreement.

- (a) How may they do so?
- (b) Does the body corporate come into existence upon transfer?

Resolution:

(a) Where proof is submitted that the relevant spouse is entitled to the unit in terms of an amended settlement agreement, the said spouse may in terms of section 45*bis*(1)(a) of Act No. 47 of 1937 apply to the Registrar of Deeds to endorse the Certificate of Registered Sectional Title of the unit to reflect that he/she is entitled to deal with the unit .

(b) Since the spouse remains a co-developer, a Body Corporate does not come into existence upon the registration of such transfer.

B. DEEDS REGISTRIES ACT, 1937 (ACT 47 OF 1937)

No Items.

C. REGULATIONS TO THE DEEDS REGISTRIES ACT 47 OF 1937**3/2022 Regulation 68 (1) applications - Form JJJ for more than one missing titles**

A client has lost/misplaced the original titles holding, for example, 15 units in a sectional title scheme. To save on advertising costs, how should the description in Form JJJ read where it is intended to place one advert for the lost/misplaced titles.

Resolution:

The property description may read along the following lines:

'Sections 1-15 as shown and more fully described on sectional plan no. SS??/1986 in the building or buildings known as St Thomas Mansions, respectively held by Certificate of Registered Sectional Title Numbers....'

D. GENERAL - (ACT 47 OF 1937)**4/2022 Property Description on a Transfer duty receipt when dealing with Praedial Servitudes**

When registering a Praedial Servitude, which property should be reflected on the Transfer Duty Receipt, the dominant property, or the servient property or both?

Resolution:

The servient property should be disclosed in the Transfer Duty Receipt.

5/2022 **Does a negative personal servitude (restrictive condition) registered in favour of a company that has since been finally deregistered, lapse?**

Resolution:

Yes, the restrictive condition lapses upon final deregistration of a company. Proof of final deregistration must be lodged.

6/2022 **Proof for conversion of a Close Corporation to a Company**

CRC1/2022, para 4.5.2 2, refers to “*proof of the conversion*”. What is to be regarded as proof when a close corporation is converted to a company?

Resolution:

A Disclosure Certificate or the Registration Certificate or any other documentation that serves as proof of the conversion, appropriately verified and acceptable to the Registrar of Deeds, may be lodged.

E. SECTIONAL TITLES ACT 95 OF 1986

7/2002 **Compliance with Section 24 (6A) of the Sectional Titles Act 95 of 1986**

The floor area of a section in a sectional title scheme was extended, resulting in a deviation of more than 10%. The written consent in terms of section 24 (d) (ii) of the Sectional Titles Act 95 of 1986 could not be obtained and the conveyancer invoked section 24 (6A) of the Sectional Titles Act. What proof must the conveyancer lodge that would constitute compliance with section 24 (6A) of the Sectional Titles Act?

Resolution:

The Deeds Registry will accept a certificate from the conveyancer, certifying that the mortgagee of each section in the scheme consented or

deemed to have consented to the proposed extension as provided for in section 24 (6A) of Act 95 of 1986.

F. GENERAL MATTERS

8/2022 Omission to register a Certificate of Registered Sectional Title for a section

A sectional title scheme was opened and after delivery of the batch, the conveyancer realised that a Certificate of Registered Sectional Title for a specific unit was not registered. No transfers were executed with the opening of the scheme. How would the Deeds Registry approach such an omission?

Resolution:

The Registrar of Deeds may register the Certificate of Registered Sectional Title for the omitted unit, upon further lodgement of an application by the developer, setting out the reasons for the omission. Registrars' Conference Resolution 53 of 2005 refers.