

RGN 249 of 1977

Deeds Registries Regulations, 1977

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IT is hereby notified that the Minister of Justice has, in terms of section 82 of the Deeds Registries Act [Chapter 139], made the following regulations—

1. Title and date of commencement

- (1) These regulations may be cited as the Deeds Registries Regulations, 1977.
- (2) These regulations shall come into operation on the 1st May, 1977.

2. Interpretation of terms

In these regulations—

“bond” means a mortgage bond or notarial bond;

“deed” means—

- (a) any deed of grant, deed of transfer or other deed conferring title to land or a real right in land, and includes any mortgage bond; or

- (b) any notarial bond;
- “document” means any deed, power of attorney or other document tendered for execution, registration or record at a deeds registry;
- “duly authorised” means authorised by a power of attorney attested -in accordance with the provisions of section 75 of the Act;
- “duly witnessed” means witnessed or authenticated in the same manner as provided for powers of attorney in section 75 of the Act;
- “form” means the appropriate form set out in the First Schedule;
- “repealed regulations”, means the regulations repealed by section 62;
- “written” means written in ink typewritten or printed.

PART I

PROVISIONS RELATING TO DOCUMENTS

3. Size of and other particulars relating to documents

(1) Subject to the provisions of this Part, all documents shall be written in the English language—

- (a) upon strong white paper which is of the international standard paper size A4 (297 mm x 210 mm) with a clear margin of at least 35 mm on the left side thereof and, if there is writing on both sides of the paper, on the right hand side also:

Provided that the registrar may dispense with the requirements of this paragraph if in his opinion the nature of the document makes it impractical to comply with such requirements; and

- (b) in legible characters using permanent black or blue black ink, which is not copying ink.

(2) In the case of any deed, the upper half of the first page shall be left blank or the purposes of office endorsements.

(3) The registrar—

- (a) may, if he, thinks fit, accept a photographic copy of any document which is to be filed for record purposes only,

(b) shall not accept a carbon copy of any document which it is intended to be registered and filed in his office.

(4) In any document any space which has not been used shall be ruled through.

(5) In any document which consists of more than one page the necessary catchword shall be written at the foot of each page.

4. Alterations and interlineations

(1) Any alteration or interlineation in a document shall be initialled by the person executing the document and by the attesting witnesses, if any.

(2) Any alteration or interlineation in a document which is attested by a person who was not the original attestor of the document shall be signed by the persons attesting the alteration or interlineation.

5. Documents in foreign language

The registrar may accept for registration or record purposes any document expressed in a foreign language if a translation thereof, duly certified by a person accepted by the registrar as a competent translator, is lodged therewith..

6. Documents to be clear and not folded

The registrar may decline to register or accept any document if in his opinion the writing thereof is, because of its faint ness or the folding or condition of the document, illegible or not calculated to secure durability.

7. Documents to disclose place and date of execution

A document tendered for registration or record shall disclose the place and date of execution thereof:

Provided that the registrar may dispense with the requirements of this section if in his opinion the nature of the document makes it unnecessary to comply with such requirements.

8. Documents to disclose identity of persons

(1) Unless the registrar in any particular case otherwise permits a document shall specify the identity of any person mentioned therein established in accordance with the provisions of section 51.

(2) No assumed name or alias shall be added to any name in a document.

9. Cross-references to be quoted

If in any document a reference is made to a document filed in the deeds registry there shall be quoted in the former document the number and date necessary to identify the latter document.

10. Deeds required to be prepared by legal practitioner to be endorsed

(1) Any document which is required by section 13 of the Act to be prepared by a legal practitioner shall bear an endorsement signed by the legal practitioner that it has been prepared by him.

(2) The legal practitioner referred to in subsection (1) shall initial any alteration, addition or interlineation in any document prepared by him:

Provided that, if in the opinion of the registrar an alteration or interlineation is not of a material nature it may be initialised by the legal practitioner executing the document.

(3) If any document referred to subsection (1) is written on more than one sheet the legal practitioner preparing the document shall initial each sheet which does not his signature.

[Section amended by s.i 257 of 1981.]

11. Description of areas of land

- (1) The extent of any area of land described in a document shall be expressed in figures.
- (2) A document which describes or mentions an area of land shall express the area, if the land— (a) is one hectare or more in extent, in hectares to four decimal places; (b) is less than one hectare in extent, in square metres.
- (3) For the purpose of confirming the area referred to in subsection (2) in metric measure there shall be lodged with the document concerned—
 - (a) the relevant diagram endorsed by the Surveyor-General; or (b) a certificate issued by the Surveyor-General:

Provided that, in the case of new diagrams where the original area was expressed in Cape measure or English measure, the diagrams shall be endorsed by the Surveyor-General.

(4) In any document in which a servitude is described, or defined the information shall be expressed in metric measure and, if so required by the registrar, shall be supported by a certificate issued by the Surveyor-General.

12. Documents referring to body corporate

- (1) Where—
 - (a) a document by or in favour of—
 - (i) any company, association, society, institution or other corporate body; or
 - (ii) any trustees or other officers of a body referred to in subparagraph (i); or
 - (b) a consent to the performance of any act on behalf of any body or person referred to in paragraph (a); is lodged in the deeds registry, a certified copy of or, with the consent of the registrar, a relevant extract from the constitution of the body concerned shall be filed of record together with any other proof necessary to show that the transaction concerned is within the powers which may lawfully be exercised by the body concerned.

(2) In subsection (1)—

“constitution”, in relation to a body or person referred to in paragraph (a) of subsection (1), includes any memorandum or articles of association, regulations or other such document establishing or setting out the powers or functions of that body or person.

13. Documents conjoined with other documents

If any document is to be dealt with in conjunction with a document which has been or is to be lodged by some other person—

- (a) a note to that effect shall be made on the lodging covers by the persons responsible for the lodging of the documents concerned;
- (b) if a note is not made in terms of paragraph (a) the document may, if it is in order, be dealt with independently of such other document.

PRESCRIBED FORMS

14. Certificate of State title

A certificate of title referred to in subsection (2) of section 17 of the Act shall be in form D.R.1.

15. Deed of transfer A deed of transfer shall be in form D.R.2.

16. Deed of partition transfer

A deed of partition transfer referred to in subsection (1) of section 27 of the Act shall be in form D.R.3.

17. Substituted title deeds

- (1) A certificate of registered title issued in terms of section 32, 35, 36 or 39 of the Act shall be in form D.R.4.
- (2) A certificate of consolidated title issued in terms of section 38 of the Act shall be in form D.R.5.
- (3) The notice to be published by the registrar in terms of subsection (2) of section 36 of the Act shall be in form D.R.6.

18. Substitution of debtor

The consent of the holder of a bond and the transferee referred to in section 49 of the Act shall be in form D.R.7.

19. Use of old forms

Notwithstanding the provisions of this Part, until the 30th June, 1978, the registrar may accept or use any document referred to in this Part which is set out in the form prescribed in the repealed regulations. PART III

COPIES OF DOCUMENTS

20. Application for copy or replacement of document

- (1) Any person who requires—
 - (a) a copy of any document filed in the deeds registry; or
 - (b) the replacement of any document filed in the deeds registry because his copy of the document has been lost, destroyed, defaced or damaged; shall apply to the registrar in writing.
- (2) An application in terms of subsection (1) for a copy of any document— (a) shall indicate the reason why the copy is required; and (b) if the copy is required for judicial purposes, shall be signed by a legal practitioner attorney or any other officer of the court. [Paragraph amended by s.i 257 of 1981.]
- (3) In the case of an application in terms of subsection (1) for the replacement of a document which has been defaced or damaged the document to be replaced shall be lodged with the application.
- (4) In the case of an application in terms of subsection (1) for the replacement of a deed which has been lost or destroyed—
 - (a) the application shall be signed by the person in whose name the land or interest concerned is registered, by his agent or by his legal representative; and
[Paragraph amended by s.i 289 of 1991.]
 - (b) a solemn declaration by the applicant shall be lodged with the application, describing the deed and stating—
 - (i) that the deed has been lost or destroyed; and
 - (ii) that at the time of the loss, or destruction the land or interest concerned was registered in his name or in the name of the person he represents, as the case may be; and
 - (iii) that to the best of his knowledge at the time of its loss or destruction the deed was not pledged or ceded to any person or otherwise detained as security for a debt or otherwise; and
 - (iv) if it is alleged that the deed is lost that a diligent search for the deed has been made; and
 - (v) that he undertakes that if the deed is found he will transmit it forthwith to the registrar; and
 - (vi) if possible the circumstances in which the deed was lost or destroyed; and
 - (c) proof that the notice required by section 22 has been published.

21. Registrar may call for evidence of loss or destruction of document

If in the case of an application for the replacement of a document which is alleged to have been lost or destroyed the registrar is of the opinion that further evidence is necessary to establish the loss or destruction, he may call for such evidence from the applicant or from any other person in whose custody the document may have been before the loss or destruction thereof.

22. Publication of applications relating to deeds

A person who wishes to apply in terms of section 20 for the replacement of a deed which has been lost or destroyed shall cause notice of his proposed application to be published in form D.R.8— (a) in the *Gazette*; and (b) in one issue of a newspaper circulating in the area in which the land concerned is situated; inviting persons having any objection to, or wishing to make representations in connexion with, the issue of the replacement deed to lodge their objections or representations in writing at the deeds registry within fourteen days of the date of publication of the notice.

23. Issue of copies or replacements

- (1) Subject to the provisions of subsection (3), the registrar shall issue a copy or replacement applied for in terms of section 20 if he is satisfied that there is no good reason to refuse to issue the copy or replacement, as the case may be.
- (2) The registrar shall ensure that every copy of a document which is required— (a) for information only, has the words “issued for information only”; or (b) for judicial purposes, has the words “issued for judicial purposes only”; written or stamped on the face thereof.
- (3) The registrar shall not issue a replacement of any deed unless he is satisfied that—
 - (a) notice of the application has been published in accordance with the requirements of section 22; and
 - (b) a period of not less than fourteen days has elapsed since the publication of the notices referred to in paragraph (a); and

- (c) due regard has been had to any representation lodged; and (d) no valid objection to the issue of the replacement has been lodged.

24. Registrar may require replacement of deeds which are unserviceable

If any deed is lodged for any purpose without an application being made in terms of section 20 for a replacement thereof and the registrar is of the opinion that the deed is unserviceable for the purposes intended, he may refuse to accept the deed until such time as the owner or holder thereof has obtained a replacement in accordance with the provisions of this Part.

25. Endorsement or destruction of document which has been replaced

If any document for which a replacement has been issued under this Part or the corresponding provisions of the repealed regulations is delivered or transmitted to the registrar in terms of section 79 of the Act the registrar shall—

- (a) endorse thereon that it has become void; or (b) destroy it:

Provided that, the provisions of this section shall not apply to a deed referred to in subsection (2) or (3) of section 32 of the Act.

26. Lost or destroyed certificate of registered title of undivided share

(1) A person who wishes to obtain in terms of subsection (2) or (3) of section 32 of the Act a certificate of registered title of an undivided share in a piece of land shall comply with the requirements of sections 20, 21 and 22.

(2) Where a person has obtained a certificate of registered title in accordance with the provisions of subsection (2) or (3) of section 32 of the Act—

- (a) the registrar shall endorse his records to the effect that a certificate has been issued in terms of section 32 of the Act in respect of the share of the applicant; and
(b) if the deed has been lost and is subsequently found and produced to the registrar, a similar endorsement shall be made on the deed so produced.

PART IV

ACTS DONE UNDER POWER OF ATTORNEY

27. Filing of power of attorney

Any person who wishes to perform in connexion with the lodging or filing of a document any act on behalf of any other person shall file with the registrar the original of the power of attorney under which he claims to act: Provided that—

- (i) the registrar may accept for filing a notarial copy of the original and shall return such original to the person concerned;
(ii) if the registrar has filed a notarial copy in terms of proviso (i) or the corresponding provisions of the repealed regulations, he may at all times treat such notarial copy as unrevoked until he receives notice to the contrary.

28. Dealings in immovable property

(1) A general power of attorney shall not be regarded as authorizing for deeds registry purposes the agent to deal with any immovable property unless the agent named in that power of attorney is expressly authorized to that effect.

(2) Any special power of attorney authorizing the transfer or other dealing in immovable property shall clearly and sufficiently describe the property concerned.

29. Power of attorney on bond or deed

If a power of attorney—

- (a) is written on a form of mortgage bond or deed of transfer; or
(b) authorizes the passing of a mortgage bond or transfer on a form annexed thereto; such form shall be accepted as a mortgage bond or deed of transfer if each sheet thereof is signed or initialled by the person granting the power of attorney and the attesting witnesses.

30. Marriages in community of property

If a husband married in community of property wishes to deal with any land or interest therein or any notarial bond registered in the name of his wife—

- (a) the wife shall sign and date the power of attorney authorizing such dealing in the presence of two witnesses as evidence that the marriage still subsists; or
(b) other satisfactory proof that the marriage still subsists shall be produced.

PART V

DEEDS OF TRANSFER

31. Partnerships

(1) Any document by or in favour of a partnership shall show the full names and dates of birth of the partners in the partnership.

(2) If any property is registered in favour of a partnership then as long as the partnership consists of the same partners that property may be transferred, mortgaged or otherwise dealt with in accordance with a power of attorney bearing the signature of the partnership and of the partner who affixed the signature of the partnership.

(3) If in the case of property registered in favour of a partnership any partner wishes to transfer or cede his share in that property such transfer or cession shall not be registered unless the entire property and not merely the share of the partner is transferred or ceded.

(4) If during the continuance of a partnership any partner wishes to register any transaction affecting his share in any property registered in the name of the partnership the transaction shall not be registered until the share to which he is entitled has been transferred or ceded to him.

32. Property of minors

Where it is sought to transfer or cede property to a person who is a minor the transfer, or cession shall, subject to the provisions of section 26 of the Act, be registered in the name of the minor and not in the name of a guardian, tutor or curator, as the case may be.

33. Land sold in execution

Any transfer of land in pursuance of the execution of the judgment of a court may be passed on a certified copy of the last title deed of the land even though that copy has been issued "for judicial purposes only" if the officer carrying out the judgment certifies that he has not been able to recover the title deed held by the person against whom the judgment was given.

34. Conveyance of two or more pieces of land in same deed

If two or more pieces of land are conveyed by the same title deed—

- (a) each piece of land shall be described in accordance with the provisions of section 20 of the Act in a separate paragraph; and
- (b) each such paragraph shall be numbered.

35. Transfer of undivided shares in land

In any deed relating to an undivided share in a piece of land the share shall be expressed in one fraction in its lowest terms and, if it is a complicated case, the method of arriving at the result shall be described.

36. Land referred to in more than one deed

(1) Where the title to land to be transferred or hypothecated is contained in more than one deed the registrar may require the legal practitioner to furnish a statement which—

- (a) contains particulars regarding the different fractional shares represented by each deed; and
- (b) in a complicated case, describes the method by which the result was arrived at; and (c) if there are two or more owners, indicates the shares held by each owner.

[Subsection amended by s.i 257 of 1981.]

(2) Where the land referred to in subsection (1) is one of several pieces of land described in a transfer deed or mortgage bond the legal practitioner shall furnish a reference to the paragraph in the deed or bond which relates to such land.

[Subsection amended by s.i 257 of 1981.]

37. Land where rights of owner limited

(1) Where—

(a) land is transferred subject to any special condition; or

(b) it appears from the deed produced to the registrar that the land is held subject to a special condition; which limits the rights of the owner in that land that condition shall be embodied in the deed and repeated in every subsequent deed conferring title to the land.

(2) Where it appears from a deed that an owner of land has acquired any right of servitude over other land, such right shall be specially referred to or mentioned and described in every deed conferring title to the firstmentioned land.

(3) Where, a deed of, grant contained conditions which reserved in favour of the State—

- (a) the right to resume ownership of the land; or
- (b) the ownership of minerals;

in any subsequent deed conferring title to the land or a portion of the land concerned, particulars of the said conditions shall be inserted by way of reference to the deed of grant instead of setting out the said conditions in full.

[Subsection amended by s.i 108 of 2005.]

38. Transfer to rehabilitated insolvent where no trustee

A transfer by the Master in terms of the proviso to subsection (2) of section 50 of the Act shall be passed on a power of attorney signed by the Master.

39. Transfer by heir or legatee where value of property is less than cost of transfer

Where property is transferred or ceded to a purchaser in terms of proviso (ii) to subsection (1) of section 11 of the Act the deed of transfer or cession shall not be registered unless proof of the value of the property concerned is furnished by means of a written valuation made by a valuator approved by the registrar.

40. Partition of land subject to fidei commissum where fidei commissary heirs not known

Where there has been a partition of land in terms of subsection (1) of section 31 of the Act the transfer of any land in accordance with the provisions of paragraph (b) of that subsection shall not be registered unless proof that the land awarded on such partition to the owner of any share subject to the *fidei commissum* is an equivalent of that share is furnished by means of a written report of— (a) a valuator approved by the registrar; or

(b) an impartial person approved by the district commissioner of the district in which the property is situated.

PART VI

MORTGAGE BONDS

41. Details required in mortgage bond

(1) A mortgage bond shall contain a full and clear description of the land to be hypothecated, including the extent thereof.

(2) Where two or more pieces of land are to be hypothecated in one mortgage bond— (a) each piece of land shall be described in a separate paragraph which shall be numbered; and (b) the date and number of the deed by which the land is held shall be quoted in each paragraph:

Provided that, if more than one piece of land is held by one and the same deed the date and number of the deed may be quoted in a separate paragraph after the description of the last of the pieces of land held by that deed.

42. Partnerships

In the case of a mortgage bond in favour of a partnership, consent to any act of registration or cancellation in respect of that bond may be signified under the signature of the partnership and of the partner who affixed the signature of the partnership.

43. Consents

(1) Subject to the provisions of this section, the consent to the performance of any of the following acts in respect of a registered mortgage bond shall be upon a separate sheet of paper which is signed by the holder of the bond or his duly authorized agent and duly witnessed— (a) the cancellation of the bond;

(b) the cancellation of a cession made as security;

(c) any cession, whether made as security or otherwise;

(d) any reduction of cover or noting of part payment of the capital amount due;

(e) the release of the whole or of any portion of the land hypothecated;

(f) the issue of a certificate of registered title or of consolidated title in respect of the land hypothecated;

(g) any rectification of title in terms of section 40 of the Act in respect of the land hypothecated;

(h) the registration of a servitude over the land hypothecated;

(i) any release of a joint debtor or a surety;

(j) the substitution of any other person for a debtor;

(k) every waiver of preference in favour of another mortgage bond, whether registered or about to be registered;

(l) any agreement between the mortgagor and the registered holder of the bond whereby any terms of the bond have been varied;

(m) any other act for which consent is required in terms of the Act or any other law.

(2) A consent mentioned in subsection (1) shall describe the bond and shall specify the full name and date of birth of the holder thereof.

(3) A consent to the performance of an act referred to in paragraph (c), (j) or (l) of subsection (1) shall be in duplicate, one copy of which shall be annexed to the mortgagee's copy of the bond and the other shall be retained by the registrar.

(4) Where a copy of a consent referred to in subsection (3) duly certified by a legal practitioner is lodged the registrar shall retain the original and shall annex the duplicate or certified copy to the mortgagee's copy of the bond.

[Subsection amended by s.i 257 of 1981.]

(5) Where more than, one bond is affected by any consent referred to in subsection (3) he registrar shall require an additional duplicate or a copy, certified by the conveyancer or notary to be furnished for annexure to each additional bond.

44. Land subject to usufruct or similar interest

Where land which is to be mortgaged is held subject to a usufruct or other limited interest the registrar may require that the conditions of the usufruct or interest be set out in the bond or that a suitable reference to the conditions be made in the bond.

45. Reduction of cover or part payment

Where any bond is lodged for the purpose of noting any reduction of cover or part payment thereon it shall not be necessary to note the reduction of cover or part payment on the title deed of the land mortgaged. PART VII

CANCELLATION OF LOST OR DESTROYED MORTGAGE BONDS

46. Application to cancel lost or destroyed mortgage bond

(1) Any person who wishes to cancel a mortgage bond which has been lost or destroyed shall apply to the registrar in writing.

(2) An application in terms of subsection (1) shall be—

- (a) signed by the person who is the registered holder of the bond or, if that person has died or is insolvent or under some legal disability, by his legal representative; and
- (b) accompanied by a solemn declaration by the applicant stating—
 - (i) that the bond has been lost or destroyed; and
 - (ii) that at the time of the loss or destruction he or the person he represents, as the case may be, was the legal holder of the bond; and
 - (iii) that to the best of his knowledge at the time of its loss or destruction the bond was not pledged or ceded to any person or otherwise detained as security for a debt or otherwise; and
 - (iv) if it is alleged that the bond is lost, that a diligent search for the bond has been made; and
 - (v) that he consents to the cancellation of the bond; and
 - (vi) that he undertakes that if the bond is found he will transmit it forthwith to the registrar; and
 - (vii) if possible, the circumstances in which the bond was lost or destroyed; and
- (c) accompanied by proof that the notices required by section 48 have been published.

47. Registrar may call for evidence of loss or destruction of bond

If the registrar is of the opinion that further evidence is necessary to establish the loss or destruction of a mortgage bond to which an application in terms of section 46 relates, he may call for such evidence from the applicant or from any other person in whose custody the bond may have been before the loss or destruction thereof.

48. Publication of application

A person who wishes to apply in terms of section 46 for the cancellation of a mortgage bond shall cause notice of the proposed application to be published in form D.R.9—

- (a) in the *Gazette*; and
- (b) in one issue of a newspaper circulating in the area in which the land mortgaged is situated; inviting persons having any objection to, or wishing to make representations in connexion with, the cancellation of the bond to lodge their objections or representations in writing at the deeds registry within fourteen days of the date of publication of the notice.

49. Cancellation of bond

The registrar shall cancel a mortgage bond in respect of which an application has been made in terms of section 46 if he is satisfied that—

- (a) notice of the application has been published in accordance with the requirements of section 48; and
- (b) a period of not less than fourteen days has elapsed since the publication of the notices referred to in paragraph (a); and
- (c) no valid objection to the cancellation of the bond has been lodged; and (d) there is no good reason why he should refuse to cancel the bond.

PART VIII

GENERAL

50. Appeals from decision of registrar

An appeal from any decision of the registrar in terms of the Act or these regulations shall lie to the Chief Registrar of Deeds who shall, after due inquiry, confirm, vary or set aside such decision.

51. Identification

- (1) In this section—

“identity” means—

- (a) a document issued to a person in terms of section 7(1) or (2) of the National Registration Act [*Chapter 10:17*]; or
- (b) any passport, identity document or driver’s licence issued by a government of Zimbabwe or foreign government.

(2) The identity of any person mentioned in any document, other than a person who is acting in or is appointed to act in a representative capacity, shall be established by means of his or her identity document.

(3) The full name and date of birth of any person mentioned in any document, other than a person who is acting in or is appointed to act in a representative capacity shall be entered in the personal register in which transactions relating, to such persons are recorded:

Provided that where the date of birth of a person is not evident from any identity document furnished by that person under subsection (2), the Registrar may enter in the register an estimation of the date of birth.

(4) Where in a deed of transfer or other document for the purposes of these regulations the full name of any person and date of birth of any person is required to be given the following shall be given instead where the person is a juristic person—

- (a) the incorporation number appearing on a certificate of incorporation in the case of a company registered in terms of the Companies Act [*Chapter 24:03*] or a private business registered in terms of the Private Business Corporations Act [*Chapter 24:11*];
- (b) the number assigned by the Registrar to a trust when any land or real right has been registered or recorded in favour of a trustee in his or her capacity as such;
- (c) the number issued by the authority for registered private voluntary organisations in terms of the Private Voluntary Organisations Act [*Chapter 17:05*] in the case of such organisation.

[Section substituted by s.i 134 of 2005.]

52. Postponement of examination of documents

If in any document there is discovered a defect of a material nature the registrar may direct that the further examination of the document be postponed until the defect has been cured.

53. Documents to be endorsed or initialled

The registrar shall refuse to accept for registration any document other than a notarial deed if such document is not endorsed or initialled as required by these regulations.

54. Notarial bonds

The provisions of sections 42, 43, 46, 47, 48 and 49 shall, mutatis mutandis, apply in relation to notarial bonds as they apply in relation to mortgage bonds save that the publication of a proposed application for the cancellation of a notarial bond which has been lost or destroyed shall be published in the *Gazette* and in one issue of a newspaper circulating in the area in which the applicant is ordinarily resident.

55. Business to be conducted personally

All business with the deeds registry shall be conducted in person or through an agent and not by correspondence or by telephone.

56. Lease, sub-lease, servitude or exclusive right of occupation relating to portion of land

If a lease, sub-lease, servitude or exclusive right of occupation relating to only a portion of any piece of land is to be registered a diagram of such portion shall be annexed to each copy of the deed of lease, sub-lease, servitude or notarial deed described in section 25A of the Act lodged for registration, unless such portion can be described to the satisfaction of the registrar without any diagram.

57. Lease, sub-lease or exclusive right of occupation relating to portion of building

If a lease, sub-lease or exclusive right of occupation of only a portion of a building is to be registered there shall be annexed to the deed of lease, sub-lease or notarial deed described in section 25A of the Act— (a) a plan approved by the registrar showing the portion of the building; and (b) a diagram showing the position of the building in relation to the land.

58. Districts

(1) For the purposes of registration Zimbabwe shall be divided into the districts specified and defined in the Deeds Registries (Districts) Regulations, 1977.

(2) The description of any land required by section 20 of the Act to be contained in any deed shall include a reference to the district in which such piece of land is situated.

59. Register of legal practitioners The

registrar shall keep a register of legal practitioners.

[Section amended by s.i 257 of 1981.]

60. Fees of office

(1) Subject to the provisions of subsection (2), the fee to be paid in respect of any matter specified in the first column of the Second Schedule shall be that specified opposite thereto in the second column of that Schedule. (2) No fee shall be charged for any matter if the fee would be paid from the Consolidated Revenue Fund.

61. Days and hours of business

- (1) The deeds registry shall be open to the public on any weekday which is not a public holiday.
- (2) The public records kept by the registrar shall be open to inspection by the public during the hours from 8 a.m. to 1 p.m. and 2 p.m. to 4 p.m. on any day that the deeds registry is open.

62. Repeals

The regulations specified in the Third Schedule are repealed.

Signed and sealed at Harare

Dated

2005

Appearer

Registrar of Deeds

[Form substituted by s.i 108 of 2005 and validity of old form extended by s.i 208A of 2005.]

Form D.R.3

DEED OF PARTITION TRANSFER

(Issued in terms of section 27 of the Deeds Registries Act [*Chapter 139*]) Prepared

by me

.....
LEGAL PRACTITIONER

KNOW ALL MEN WHOM IT MAY CONCERN

THAT (*full name*)

appeared before me, Registrar of Deeds, he being duly authorized thereto by, a power of attorney granted to him by (*full names of parties to partition*)

AND THE APPEARER DECLARED THAT

WHEREAS his said principals held in joint ownership (*description of land to be partitioned, giving shares held by joint owners and numbers and dates of their titles*)

AND WHEREAS his said principals have agreed to alter the tenure upon which the said property has been held by them by subdividing the same according to their respective interest therein and receiving transfer of such subdivided portions;

NOW, THEREFORE, he in his capacity as attorney aforesaid, does hereby transfer to (*full name*) certain piece of land being (*description of land and conditions as required by section 20 of the Act*)

Signed and sealed at on this day of 19

.....
q.q (*Signature of appearer*)

In my presence

.....
Registrar of Deeds

[Form amended by s.i 257 of 1981.]

Form D.R.4

CERTIFICATE OF REGISTERED TITLE

(Issued in terms of section 32/35/36/39* of the Deeds Registries Act [*Chapter 139*])

Prepared by me

.....
LEGAL PRACTITIONER

KNOW ALL MEN WHOM IT MAY CONCERN

THAT (*full name*)

who is the registered owner of (*description of land or share held by him and quote number and date of deed*) has applied for the issue, of a certificate registered title in terms of— section 35 of the Deeds Registries Act [*Chapter 139*] in respect of the above-mentioned land;*

subsection (2) of section 32 of the Deeds Registries Act [*Chapter 139*] in lieu of (*describe deed*)

No. dated which has been lost or destroyed relating, to the above-mentioned land described therein which is held in joint ownership;*

section 36 of the Deeds Registries Act [*Chapter 139*] in lieu of (*describe deed*)

No. dated which has been lost or destroyed;*

section 39 of the Deeds Registries Act [*Chapter 139*] in respect of the undermentioned land being portion of the land registered in his name;

NOW THEREFORE, I, the Registrar of Deeds do hereby certify that the said (*full name*) is the registered owner of certain piece of land being (*description of land and conditions as required by the Act*)

Signed and sealed at on this day of 19

.....
Registrar of Deeds

*Insert whichever is applicable

[Form amended by s.i 257 of 1981.]

Form D.R.5

CERTIFICATE OF CONSOLIDATED TITLE

(Issued in terms of section 38 of the Deeds Registries Act [*Chapter 139*]) Prepared

by me

.....
LEGAL PRACTITIONER

KNOW ALL MEN WHOM IT MAY CONCERN

THAT WHEREAS (*full name*)

who is the registered owner of (*description of pieces land and title deeds under which they are held*) which are to be consolidated into the land hereafter described, has applied for the issue of a certificate of consolidated title in terms of section 38 of the Deeds Registries Act [*Chapter 139*];

NOW, THEREFORE, I, the Registrar of Deeds, do hereby certify that the said (*full name*) is the registered owner of (*description of consolidated land and conditions as required by the Act*)

Signed and sealed at on this day of 19

.....
Registrar of Deeds

[Form amended by s.i 257 of 1981.]

Form D.R.6

FORM OF NOTICE IN TERMS OF SECTION 36(2) OF THE DEEDS REGISTRIES ACT [*CHAPTER 139*]

I, the Registrar of Deeds, intend issuing a certificate of registered title in lieu of (*describe deed*)
 No. dated passed by (*full name of transferor*)
 in favour of (*full name of person in favour of whom deed was passed*)
 in respect of certain (*description of land*) which deed has been lost or
 destroyed.

All persons having any objection to, or wishing to make any representations in connexion with, the issue of such certificate are hereby required to ledge the same in writing at the Deeds Registry, before the (*specify date which shall be six weeks after date of first publication of notice in Gazette*)

.....
Registrar of Deeds

Form D.R.7

CONSENT TO SUBSTITUTION
 (In terms of section 49 of the Deeds Registries Act [*Chapter 139*])

Prepared by me

 LEGAL PRACTITIONER

WHEREAS I (*full name*) am the legal holder of
 Mortgage Bond No. dated passed by (*full name*) for the sum
 of whereby was hypothecated certain (*description of
 land*)

AND WHEREAS—

- (a) the said bond is a continuing covering bond for the sum of \$
- (b) there still remains due and owing under the said bond the amount of \$ * (*where amount remaining due and owing is less than that reflected in bond, a consent to reduction of cover or noting of part payment must be lodged*); AND WHEREAS the said (*full name*).

has agreed to transfer the aforesaid land to (*full name*) who is
 willing to take over the liability of the said (*full name*)

under the said bond and to be substituted for the said transferor as the. debtor under the said bond;

NOW, THEREFORE, I agree that the proposed transferee shall be substituted as debtor under the said bond and that from the date of execution of the proposed transfer the transferor shall be released from any obligation under the said bond.

Dated at this day of 19

AS WITNESSES:

- 1.
- 2.

.....

Signature of mortgagee

*Omit whichever is not applicable

AND I (full name)

the proposed transferee aforesaid, having read the above consent of the legal holder of the said bond, do accept transfer of the land subject to the said bond and agree to be substituted for the transferor as debtor there- under and assume full liability for the indebtedness under the said bond.

Dated at this day of 19

AS WITNESSES:

- 1.
- 2.

.....

Signature of transferee

[Form amended by s.i 257 of 1981.]

Form D.R.8

NOTICE OF APPLICATION FOR COPY OR REPLACEMENT OF DEED

NOTICE is hereby given that I intend to apply for a certified copy of (state type of deed, i.e. deed of transfer, certificate of registered title certificate of consolidated title, deed of grant, mortgage bond, notarial bond, etc., and give full names of parties to the deed, description of property involved and, in the case of a bond, the amount thereof)

All persons having any objection to, or wishing to make any representation in connexion with, the issue of such copy are hereby required to lodge the same, in writing, at the Deeds Registry, Salisbury/Bulawayo, within fourteen days from the date of publication of this notice.

Applicant (full name)

Residential address:

Form D.R.9

NOTICE OF APPLICATION FOR CANCELLATION OF MORTGAGE BOND

NOTICE is hereby given that I intend to apply for the cancellation of Mortgage Bond No. for \$ passed on the day of 19 by (full name and residential address)

in favour of (full name and residential address) hypothecating certain (description of land) whereof (full name and, if not person named above, residential address) is the present registered holder.

All persons claiming to have any right or title in or to the said bond, which is lost/has been destroyed, are hereby required to lodge their objections or representations, in writing, at the Deeds Registry, Harare/ Bulawayo,* within fourteen days from, the date of publication of this notice. Applicant (full name)

Residential address:

* *Omit or delete what is not applicable.*

THIRD SCHEDULE (Section 62)
REPEALED REGULATIONS

<i>Title</i>	<i>Rhodesia</i>
	<i>Government</i>
	<i>Notice No.</i>
Deeds Registries Regulations, 1959	545 of 1959
Deeds Registries (Amendment) Regulations, 1969 (No. 1)	541 of 1969
Deeds Registries (Amendment) Regulations, 1970 (No. 2)	238 of 1970
Deeds Registries (Fees) Regulations, 1973	1237 of 1973

SECOND SCHEDULE (Section 60)

FEES

	<i>Fee</i>
	US\$
1. For the registration of a document which is required to be attested or prepared by a conveyancer or notary public	
(a) where stamp duty is payable	20,00
(b) where stamp duty is not payable	50,00
2. For each entry extracted from any register for publication in newspaper or periodical	10,00
3. For the noting or uplifting of a caveat	20,00
4. For a search conducted for any document—	
(a) at the public counter	1,00
(b) by computer by oneself	5,00
5. For every report prepared for court by the Registrar	20,00
6. For the copy of any document	1,00
7. For certification of any document	20,00
8. For any act done by the Registrar which is not referred to elsewhere in this Schedule	50,00
9. For rental of a lodging box, per year	120,00

[Schedule substituted by s.i 104 of 2009]