MINUTES

MINUTES OF A DEEDS REGISTRIES REGULATIONS BOARD MEETING
HELD AT ROOM 1621, POYNTONS BUILDING, CORNER CHURCH AND
BOSMAN STREETS, PRETORIA, ON 12 OCTOBER 2004

1. OPENING AND WELCOME

Mr Lefafa, opened the meeting at 08:44am and welcomed all those present.

2. ATTENDANCE

The Chairperson informed the meeting that Mr Ogunronbi had notified him that he had been delayed.

Mr N S Lefafa : Chief Registrar of Deeds (Chairperson)
Mr F G T Radloff : Law Society of SA (Member)
Ms T P Poyo : Law Society of SA (Member)
Ms L C Smit : Registrar of Deeds, Kimberley (Member)
Mr S Ogunronbi : Department of Land Affairs (Members)
Mr C P H Geldenhuyys : Office of the CRD (Observer)
Ms A Reynolds : Office of the CRD (Observer)
Mr G A A Hattingh : Office of the CRD (Scribe)
Mr A S West : Office of the CRD (Observer)
Mr G D N Tsotetsi : Office of the CRD (Observer)

3. CONSTRUCTING THE AGENDA

The Chairperson asked the members if there were any additions to the agenda.

Ms Smit proposed the addition of an item relating to the description of “owner” in the Deeds Registries Act. The item was added as item 6.1.5.
4. THE OFFICE OF THE CHIEF REGISTRAR OF DEEDS TO NOTIFY THE BOARD WITH REGARD TO THE REVIEW OF LAND REGISTRATION LEGISLATION PROJECT - (MR GELDENHUYS)

Mr Geldenhuys made a PowerPoint presentation to the Board on the review of the legislation.

Mr Lefafa reported to the Board on the stance taken by the Department on this issue.

5. THE OFFICE OF THE CHIEF REGISTRAR OF DEEDS TO NOTIFY THE BOARD WITH REGARD TO THE SECTIONAL TITLES OMBUDSMAN PROJECT (MR TSOTETSI)

Mr Tsotetsi provided background on the process for the revision of the legislation, as well as a report on progress to date.

6. PROPOSED AMENDMENTS TO THE DEEDS REGISTRIES ACT, 1937 (ACT NO. 47 OF 1937)

6.1. GENERAL ITEMS RELATING TO THE DEEDS REGISTRIES ACT NO. 47 OF 1937

6.1.1. The following item was discussed at the Registrars' Conference 2003:

(Deeds Training and Administrative Support): Act No. 47 of 1937 does not provide for a Law Lecturer to perform any act which may lawfully be done in terms of the provisions of the Act. Registrars' Conference 2003 resolved that Act No. 47 of 1937 does not provide for a Law Lecturer to perform any act that may lawfully be done in terms of the provisions of the Act, and that the matter be investigated. See Annexure A to the agenda.

Is the Board of the opinion that Act No. 47 of 1937 needs to be amended to cater in the above-mentioned regard?
Resolution:
The Board cannot deal with this issue. It is an HR matter which must be referred to the Department’s Directorate: Management and Support Services.

6.1.2. The following Item was discussed at the Registrars’ Conference 2003:

**Johannesburg:** Electronic signatures: Numerous Sheriffs are issuing documents, such as attachments and up-liftments, that contain a computer generated signature. May such documents be accepted for purposes of registration?

It was resolved, at the said Conference, that the item be referred to the Deeds Registries Regulation Board for a resolution. See Annexure B to the agenda.

Resolution:
The Board feels that a decision cannot be taken at this point in time. Legal opinion must be sought on this issue.

6.1.3. Annexure C to the Agenda contains an opinion of the State Law Advisors regarding the amendment of Act No. 47 of 1937 in order to provide for statistics regarding the race, gender and nationality of a transferee. What is the Board’s opinion in this regard?

Resolution:
The Board is of the view that the opinion has confirmed the comments made at its prior meeting, i.e. that empowering, supporting legislation is required before the Deeds Registries Act is amended.

The legal opinion by Gilbert Marcus SC should be made available to the task team appointed by the Minister to investigate the question of land ownership by foreigners. The task team’s attention should be specifically
be drawn to the recommendation contained on pages 46 – 50 of the opinion.


The above enactments provide for the amendment of Act No. 47 of 1937 to the effect that it removes the functions relating to the registration of mineral rights from the ambit of Act No. 47 of 1937.

It is suggested that the Office of the Chief Registrar of Deeds scrutinize Act No. 47 of 1937 in order to provide for the deletion, in the Regulations and Forms to Act No. 47 of 1937, of all reference to mineral rights.

**Resolution:**
In view of the ongoing difference in interpretations of the second Schedule to the Mineral and Petroleum Resources Development Act No. 28 of 2002, it is decided to postpone the amendments to the regulations.

6.1.5 **Definition of “owner” in S102 of the Deeds Registries Act (Registrar of Deeds: Kimberley)**

The Registrar of Deeds: Kimberley proposed the addition of an item relating to the description of “owner” in the Deeds Registries Act.

**Resolution:**
The item was withdrawn.

6.2. **REGULATIONS TO THE DEEDS REGISTRIES ACT NO. 47 OF 1937**

6.2.1. **Regulation 68(1)**

The following item was discussed at the Registrars Conference 2003:
(Bloemfontein): Is it possible to increase the fee for the issuing of certified copies in terms of Regulation 68 and to then do away with the provisions of Regulation 68(1A)? It was resolved that the issue be monitored after a year to ascertain the impact on the issuing of copies. See Annexure D to the Agenda. Is the Board of the opinion that Regulation 68(1A) needs to be amended?

Resolution:
The Board resolved that the Regulations be amended to remove all provisions relating to the advertisement of the intention to apply for a certified copy in terms of regulation 68(1).

6.2.2. Schedule of Fees of Office prescribed by Regulation 84 of Act No. 47 of 1937 (discussion by Mr G. Hattingh).

Resolution:
The Board resolved that the tariffs in the Schedule of Fees prescribed by Regulation 84 of the Act must remain unchanged.

7. CLOSING

The Chairperson thanked all the members and observers for their participation and the meeting was adjourned at 13h00.