



CHIEF REGISTRAR'S CIRCULAR NO. 3 OF 2025

DEEDS REGISTRIES ACT, 1937 (ACT NO. 47 OF 1937) AMENDMENT OF REGULATIONS

1. COMMENCEMENT OF AMENDED REGULATIONS

The amended regulations to the Deeds Registries Act, 1937 (Act 47 of 1937) ('the Act'), published under Government Notice No. 5948 in Government Gazette No. 52219 dated 05 March 2025, shall be effective from 05 April 2025.

2. NATURE AND/OR IMPACT OF THE AMENDMENTS

2.1 Amendment of regulation 2

Regulation 2 is amended to provide for the insertion of the definition of "*Electronic Deeds Registration Systems Act*" to mean '*the Electronic Deeds Registration Systems Act, 2019 (Act 19 of 2019), and any amendment thereof.*'.

2.2. Amendment of regulation 4A

2.2.1. Regulation 4A is amended by the insertion of sub-regulation (2) to read as follows:

"(2) The prescribed fees as referred to in the Schedule of Fees of Office as prescribed by regulation 84, must be paid prior to any service being rendered."

2.2.2. This amendment has the effect that all prescribed fees must be paid *prior* to any services being rendered. For instance, the prescribed lodgement fee must be paid upon lodgement of deeds and documents for registration purposes, and the prescribed registration fee must be paid *prior* to registration of such deed/document.

2.3. Amendment of Regulation 18

2.3.1. Regulation 18 is amended by the addition of sub-regulations (4) and (5) to provide for a form to be completed for purposes of the collection of personal information relating to the race, gender, citizenship and nationality of land owners in South Africa. This information is required for statistical and land audit purposes only.

2.3.2. Regulation 18(4) provides for completion and signing of the form (Form LLL), by a transferee, or, where there is no transfer of land, by the registered owner or holder. It further provides for completion and signing of the form by an attorney, conveyancer, notary public or statutory officer on information received.

2.3.3. The prescribed Form LLL sets out the information that is required. ***Information contained in Form LLL that does not relate to a name, identity number, date of birth or registered number, as the case may be, must not be disclosed in any deed or document lodged for registration or execution*** and must be captured and used only for statistical and land audit purposes relating to land ownership in South Africa.

- ***From 5 April 2025, Form LLL must be lodged with all deeds/documents pertaining to land / mortgage- and notarial bond registration transactions.***
- ***Form LLL must be stapled to the inside of the lodgement cover and returned to the attorney/conveyancer/notary public/statutory officer after capturing thereof.***

2.4. Amendment of Regulation 19

A Registrar of Deeds has authority in terms of regulation 19, and in connection with any deed/document tendered for execution, registration or record, to call for evidence to establish the identity of any party thereto with any person whose name appears in any register kept in his/her deeds registry. Regulation 19 is amended to now provide for a Registrar to call for such evidence if it appears in the records of any other Government Department.

2.5. Amendment of Regulation 20

Regulation 20(9) is inserted to make the provisions of regulation 20 applicable (with the necessary changes) to deeds/documents prepared and submitted electronically in terms of the provisions of the Electronic Deeds Registration Systems Act, 2019 (Act 19 of 2019) ('EDRS Act').

2.6. Amendment of Regulation 30

Regulation 30 prescribes the manner in which shares in immovable property must be described. The said regulation is amended to provide for the capturing of percentages and not fractions. This amendment is due to the Electronic Deeds Registration System (e-DRS) providing for the capturing of percentages and not fractions.

2.7. Amendment of Regulation 39

Regulation 39 deals with the authority (consent) for the performance of acts of registration in respect of mortgage bonds. Regulation 39 (1)(k) is inserted to provide for consents to be given in respect of all acts of registration affecting the security hypothecated under a mortgage bond, and not only to those acts as currently identified in regulation 39(1) (for instance consents relating to the issuing of Certificates of Registered Title, Certificates of Consolidated Title, etc.)

The above consents must be lodged in separate lodgement covers and the prescribed fee as per Item 1(f) of the Schedule of Fees of Office is payable.

2.8. Amendment of Regulation 45

Regulation 45(1) is amended to limit its application to lodgements effected manually. Regulation 45 is also amended to do away with the requirement of lodgment by a conveyancer or notary public (or by a person employed by such conveyancer or notary) to be practicing at the seat of a deeds registry. This amendment is in line with the EDRS Act that provides for deeds/documents to be lodged electronically, through the deeds registration portal of the deeds registry which serves the area in which the property is situated, by conveyancers country wide on any day and during any time of the day.

2.9. Amendment of Regulation 51

Regulation 51 is amended to make it clear that the provisions relating to the lodgement of a title deed do not apply to lodgements in terms of the EDRS Act, except in instances where the relevant title deed is not available on the e-DRS.

2.10. Amendment of regulation 65

Regulation 65(1) is amended to limit its application to the lodgement of *powers of attorney* manually. The Regulations to the ERDS Act provides that where an authorised user lodges, uploads or scans a deed/document electronically into the e-DRS, such user warrants that the deed/document was made from the original document or from a certified copy thereof.

2.11. Amendment of regulation 68

Regulation 68(1) is amended to limit its application to copies of deeds that have been registered manually and which are not incorporated in the e-DRS, or if so

incorporated but in respect of which the provisions of the pending section 3(2) of the EDRS Act applies (i.e. manual registration during the transitional period).

The reason for the amendment is that section 3(1) of the EDRS Act provides for any deed/document generated, registered and executed electronically, and any other registered or executed deed/document scanned or incorporated into the e-DRS, to be deemed the only original and valid record. This provision is subject to section 3(2) that provides for a client copy of a deed/document that was processed manually, to remain valid for purposes of subsequent preparation, lodgement, registration, execution and filing during the transitional period, or until such time as a further subsequent transaction in respect of such property is registered electronically.

2.12. Amendment of Regulation 69

Regulation 69 is amended to limit its application to notarial bonds that have been registered manually. This amendment is necessary in view of the pending amendment of section 62 of the Deeds Registries Act to provide that where a debtor under a notarial bond resides and carries on business in areas served by different deeds registries, such notarial bond shall, if submitted and registered electronically in terms of the EDRS Act, be effective for the whole of the Republic.

2.13. Form LLL

The addition of Form LLL is consequential to the amendment of Regulation 18 (see par. 2.3 above).



CHIEF REGISTRAR OF DEEDS

DATE: 19 March 2025

REFERENCE: A. 14/P AND 10/2/3

RINGBINDER 54

CHIEF REGISTRAR OF DEEDS

REGISTRARS OF DEEDS

DEEDS TRAINING

LAW SOCIETY OF SOUTH AFRICA: PRETORIA

LEGAL PRACTICE COUNCIL OF SOUTH AFRICA