



CHIEF REGISTRAR'S DIRECTIVE NO. 1 OF 2025

Electronic Deeds Registration Systems Amendment Bill:

1. Section 3 of the Electronic Deeds Registration Systems Act, 2019 (Act 19 of 2019):

1.1. Section 3 of Act 19 of 2019 deals with the '*Validity of deeds and documents*' and reads as follows:

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

1.2. Section 3, currently, provides that all deeds generated, registered and executed electronically, and all other *already* registered or executed deeds scanned or otherwise incorporated into the e-DRS, shall be deemed to be the *only original and valid record* of such deed. This has the effect that *all* registered deeds scanned or otherwise incorporated into the e-DRS, regardless of same being prepared and registered manually and of which the owner is in possession of, is regarded invalid due to the e-DRS copy being regarded as the only valid record of such copy. *This situation will compromise the effective continuation of the preparation, lodgement, registration, execution and filing of deeds manually during the transition period as contemplated by section 6(4) of the EDRS Act.*

1.3. The Electronic Deeds Registration Systems Amendment Bill aims to address the above-mentioned problem by providing for the amendment of section 3 to read as follows:

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 or executed deed or document scanned or otherwise incorporated into the electronic deeds registration system by

electronic means is, subject to the provisions of 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.”.

- 1.4. Above amendment will provide for the *client's copy* of a registered or executed deed to *remain a valid copy* for purposes of preparation, lodgement, registration, execution and filing of deeds *manually* as contemplated in section 6(4). It will therefore ensure the effective continuation of the manual system during the transitional period.
- 1.5. *To assist clients during the transitional period as provided for in section 6(4) of Act 19 of 2019, the e-DRS Steer Committee resolved that the amendment to section 3 as referred to in par. 1.3, must be regarded as if it has come into operation on 1 April 2025.*

2. Section 6 of the Electronic Deeds Registration Systems Act, 2019 (Act 19 of 2019):

- 2.1. Section 6 of Act 19 of 2019 deals with 'Transitional Provisions'. Section 6(4) provides for a dual system where the preparation, lodgement, registration, execution and filing of deeds may be done manually or electronically for a period as may be determined by the Chief Registrar of Deeds.

Section 6(4) reads as follows:

“(4) Notwithstanding subsections (2) and (3), the Chief Registrar of Deeds may issue a directive for the continuation of the preparation, lodgement, registration, 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 system, until such period as may be determined by the Chief Registrar.”.

- 2.2. The Electronic Deeds Registration Systems Amendment Bill aims to further regulate the *Transitional Provisions* by the insertion of provisions to section 6(4) to read as follows:

“(4) Notwithstanding subsections (2) and (3), the Chief Registrar of Deeds may issue a directive for the continuation of the preparation, lodgement, registration, 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 system, until such period as may be determined by the Chief Registrar: Provided that if a transaction pertaining to a property is registered electronically during such period, subsequent transactions pertaining to such property must be registered electronically: Provided further that if such subsequent transactions have not yet been provided for in the electronic deeds registration system, the said subsequent transactions may be registered in a manner as prescribed by a Directive issued in terms of section 2 of the Act.”

- 2.3. The amendment of section 6(4) will provide that once a transaction in respect of a property has been registered electronically, no further registrations pertaining to such property may be registered manually. Provision will also be made that if such subsequent transactions have not yet been provided for in the e-DRS, the said transactions may be registered in a manner as prescribed by a Directive issued by the Chief Registrar of Deeds in terms of section 2 of the Act.
- 2.4. *To assist clients during the transitional period, the e-DRS Steer committee resolved that the amendment to section 6(4) as referred to in par. 2.2 must be regarded as if it has come into operation on 1 April 2025.*

3. **Schedule to Bill that provides for amendments to the Deeds Registries Act 47 of 1937 and the Sectional Titles Act 95 of 1986:**

- 3.1 **Deeds Registries Act 47 of 1937:**

The amendment of section 1; section 3(1)(b); insertion of sections 3(5), 3A, 38A; 62 (1A) and section 77(1) *bis* will not influence the e-DRS.

- 3.2. **Sectional Titles Act 95 of 1986:**

The amendment of section 1; section 3; and the insertion of section 3(5) will not influence the e-DRS.

4. **APPROVAL OF DIRECTIVE:**

This Directive was presented and approved at the Ad Hoc Deeds Registries Regulations Board meeting of 12 February 2025.



CHIEF REGISTRAR OF DEEDS

DATE: 27 February 2025