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Government Notice

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DEPARTMENT OF GOVERNMENTAL AFFAIRS

DEPARTEMENT VAN OWERHEIDSAKE

No. 140

1985

No. 140

1985

PROMULGATION OF ACT OF NATIONAL ASSEMBLY

The following Act, which has been adopted by the National Assembly and signed by the Administrator-General in terms of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation R.101 of 1985), is hereby published in terms of section 18 of that Proclamation: —

No. 26 of 1985: Deeds Registries Amendmend Act, 1985

AFKONDIGING VAN WET VAN NASIONALE VERGADERING

Die volgende Wet, wat ingevolge die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie R.101 van 1985), deur die Nasionale Vergadering aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 18 van daardie Proklamasie: —

No. 26 van 1985: Wysigingswet op Registrasie van Aktes, 1985

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EXPLANATORY NOTE:

— Words underlined with solid line indicate insertions proposed.

| | Words in bold typing in square brackets indicate omissions proposed.

ACT

To amend the Deeds Registries Act, 1937, so as to further regulate the registrability of variations of the terms of bonds; to regulate that deeds of grant be prepared by conveyancers; to provide for the proof of certain facts in connection with registrations by means of certain certificates; to further regulate the issuing of certificates of consolidated title; to do away with the power of the registrar of deeds to issue certificates of amended title of one piece of land; to provide for the issuing of certificates of registered title in respect of land which under the Sectional Title Act, 1971, reverts to the land register; to better regulate the procedure in the deeds registry in connection with the cancellation of bonds; to regulate anew the functions of the registrar of deeds in the registration of transfers whereby substitution of debtors in respect of bonds takes place; to regulate the transfer of immovable goods which vested in a trustee under the law relating to insolvency; to do away with the duty of the sheriff to notify the registrar of payments made in respect of mortgaged immovable property sold in execution of a judgment of a court; to bring the requirements in connection with the registration under certain circumstances of personal servitudes into accordance with the requirements in force under similar circumstances in respect of the registration of praedial servitudes; to regulate anew the registration of certain changes of name; to delete certain obsolete provisions relating to certain matters; and to redefine certain expressions; to amend the Transfer of Executive Powers (Justice) Amendment Proclamation, 1985, so as to regulate the appointments of the registrar of deeds and the deputy registrar of deeds; and to provide for incidental matters.

(English text signed by the Administrator-General
on 25 November 1985)

BE IT ENACTED by the National Assembly, as follows:-

1. Section 3 of the Deeds Registries Act, 1937 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (s) of subsection (1) of the following paragraph:

Amendment of section 3 of Act 47 of 1937, as substituted by section 2 of Act 87 of 1965 and amended by section 1 of Act 41 of 1977 and section 1 of Act 92 of 1978.

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- Woorde met 'n volstreep daaronder dui aan in-voegings voorgestel.
- | | Woorde in vet druk tussen vierkantige hake dui aan skrappings voorgestel.

WET

Tot wysiging van die Registrasie van Aktes Wet, 1937, ten einde die regstreerbaarheid van wysigings van verbandvoorwaardes verder te reël; te reël dat grondbriewe deur transportbesorgers opgestel moet word; voorsiening daarvoor te maak dat sekere feite in verband met registrasies deur sekere sertifikate bewys kan word; die uitreiking van sertifikate van gekonsolideerde titel verder te reël; weg te doen met die bevoegdheid van die registrator van aktes om sertifikate van gewysigde titel van een stuk grond uit te reik; voorsiening te maak vir die uitreiking van sertifikate van geregistreerde titel ten opsigte van grond wat ingevolge die Wet op Deeltitels, 1971, na die grondregister teruggeplaas word; die prosedure in die akteskantoor in verband met die rojering van verbande beter te reël; die funksies van die registrator van aktes by die registrasie van transports waarby vervanging van verbandskuldenaars plaasvind, opnuut te reël; die oordrag van onroerende goed wat ingevolge die insolvensiereg op 'n kurator oorgegaan het, te reël; weg te doen met die plig van die balju om die registrator mee te deel van betalings gedoen ten opsigte van met verband beswaarde onroerende goed wat ter uitvoering van 'n vonnis van 'n hof verkoop is; die vereistes in verband met die registrasie onder sekere omstandighede van persoonlike serwitute in ooreenstemming te bring met die vereistes wat onder soortgelyke omstandighede ten opsigte van die registrasie van grondserwitute geld; die registrasie van sekere naamsveranderinge opnuut te reël; sekere verouerde bepalings betreffende sekere aangeleenthede te skrap; en sekere uitdrukkings te heromskryf; tot wysiging van die Wysigingsproklamasie op die Oordrag van Uitvoerende Gesag (Justisie), 1985, ten einde die aanstellings van die registrator van aktes en die adjunk-registrator van aktes te reël; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Administrateur-generaal onderteken
op 25 November 1985)

DAAR WORD BEPAAL deur die Nasionale Vergadering, soos volg:-

- Artikel 3 van die Registrasie van Aktes Wet, 1937 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (s) van subartikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 3 van Wet 47 van 1937, soos vervang deur artikel 2 van Wet 87 van 1965 en gewysig deur artikel 1 van Wet 41 van 1977 en artikel 1 van Wet 92 van 1978.

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“(s) register against any registered mortgage or notarial bond any agreement entered into by the mortgagor and the holder of that bond, whereby any terms of that bond, with the exception of terms relating to the relevant cause of debt, the mortgaged security or the amount of the debt secured by the bond, have been varied;”.

Substitution of section 15
of Act 47 of 1937.

2. The following section is hereby substituted for section 15 of the principal Act:

“Preparation of
deeds by convey-
ancer.

15. Save as is otherwise provided in any other law, no deed of transfer, mortgage bond, deed of grant or certificate of title or registration of any kind mentioned in this Act shall be attested, executed or registered by a registrar unless it has been prepared by a conveyancer [practising within the province within which his registry is situated. Such conveyancer, whether or not he practises at the seat of the registry,] who may recover the fees, and charges to which he may be entitled in accordance with any regulation made under section 10.”.

Insertion of section 15A in
Act 47 of 1937.

3. The following section is hereby inserted in the principal Act after section 15:

“Prove of certain
facts in connec-
tion with deeds
and documents by
means of certain
certificates.

15A.(1) A conveyancer who prepares a deed or other document for the purposes of registration or filing in the deeds registry, and who signs a prescribed certificate on such deed or document, accepts by virtue of any such signing the responsibility, to the extent prescribed by regulation for the purposes of this section, for the accuracy of those facts mentioned in any such deed or document or which are relevant in connection with the registration or filing thereof, which are prescribed by regulation.

(2) The provisions of subsection (1) shall apply *mutatis mutandis* to any person other than a conveyancer, who is prescribed by regulation, and who has in accordance with the regulations prepared a deed or other document prescribed by regulation for registration or filing in a deeds registry.

(3) A registrar shall accept, during the course of his examination of a deed or other document in accordance with the provisions

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“(s) op ’n geregistreerde verband of notariële verband ’n ooreenkoms registreer, wat die verbandskuldenaar en die verbandhouer aangegaan het, waardeur voorwaardes van die verband, uitgesonderd voorwaardes wat betrekking het op die betrokke skuldoorstaak, die sekuriteit wat verbind word of die bedrag van die skuld wat onder die verband verseker word, gewysig word;”.

2. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 15 van Wet 47 van 1937.

“Opstelling van aktes deur transportbesorger.

15. Behalwe vir sover ’n ander wet anders bepaal, mag ’n registrateur geen transportakte, verbandakte, grondbrief, titelsertifikaat of sertifikaat van registrasie van welke aard ook in hierdie Wet vermeld, attesteer, onderteken of registreer nie, tensy dit opgestel is deur ’n transportbesorger [wat praktiseer in die provinsie waarin sy registrasiekantoor geleë is. So ’n transportbesorger of hy al dan nie ter plaatse van die registrasiekantoor praktiseer, kan] wat die fooie en koste waarop hy geregtig mag wees ingevolge ’n regulasie uitgevaardig kragtens artikel 10 kan verhaal.”.

3. Die volgende artikel word hierby in die Hoofwet na artikel 15 ingevoeg:

Invoeging van artikel 15A in Wet 47 van 1937.

“Beweys van sekere feite in verband met aktes en dokumente deur middel van sekere sertifikate.

15A.(1) ’n Transportbesorger wat ’n akte of ’n ander dokument vir die doeleindes van registrasie of liassering in die registrasiekantoor opstel, en ’n voorgeskrewe sertifikaat op so ’n akte of dokument onderteken, aanvaar uit hoofde van so ’n ondertekening verantwoordelikheid, in die mate by regulasie vir die doeleindes van hierdie artikel voorgeskryf, vir die korrektheid van dié feite wat in so ’n akte of dokument vermeld word of wat in verband met die registrasie of liassering daarvan relevant is, wat by regulasie voorgeskryf word.

(2) Die bepalings van subartikel (1) is *mutatis mutandis* van toepassing op ’n ander persoon as ’n transportbesorger, wat by regulasie voorgeskryf word, en wat ooreenkomstig die regulasies die in die regulasies voorgeskrewe akte of ander dokumente vir registrasie of liassering in ’n registrasiekantoor opgestel het.

(3) ’n Registrateur aanvaar in die loop van sy ondersoek van ’n akte of ander dokument ooreenkomstig die bepalings van hierdie Wet,

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of this Act, that the facts referred to in subsection (1) in respect of the registration or filing of a deed or other document in connection with which a certificate referred to in subsection (1) or (2) has been signed, have for the purposes of any such examination been conclusively proved: Provided that the aforesaid provisions of this subsection shall not derogate from the obligation of the registrar to give effect to any order of court or any other notification recorded in the deeds registry under this Act or any other legal provision, and which affects the registration or filing of such deed or other document.”.

Amendment of section 40 of Act 47 of 1937, as amended by section 18 of Act 43 of 1957 and section 16 of Act 43 of 1962.

Repeal of section 41 of Act 47 of 1937, as amended by section 15 of Act 87 of 1965.

Insertion of section 43A in Act 47 of 1937.

4. Section 40 of the principal Act is hereby amended by the deletion of paragraph (e) of subsection (1).

5. Section 41 of the principal Act is hereby repealed.

6. The following section is hereby inserted in the principal Act after section 43:

“Certificate of registered title in respect of land previously held under registered sectional title.

43A.(1) In the event of land reverting to the land register in terms of the provisions of the Sectional Titles Act, 1971 (Act 66 of 1971), without revival of the developer's title deed under the said Act, the registrar shall issue a certificate of registered title in the prescribed form in respect of such land in substitution of the certificates of registered sectional title under which the land was held prior to such reversion: Provided that where the land which reverts to the land register forms a portion only of the land previously registered in the land register, a diagram thereof shall be annexed to the certificate of registered title.

(2) The registrar shall make all the necessary entries in his registers and records, and endorsements on the relevant registered deeds and other documents, in order to give effect to the reversion of the land to the land register in terms of subsection (1).”.

Amendment of section 56 of Act 47 of 1937, as amended by section 26 of Act 43 of 1957, section 23 of Act 87 of 1965 and section 8 of Act 3 of 1972.

7. Section 56 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding the proviso of the following words:

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dat die feite in subartikel (1) bedoel ten opsigte van die registrasie of liassing van 'n akte of ander dokument in verband waarmee 'n in subartikel (1) of (2) bedoelde sertifikaat onderteken is, vir die doeleindes van so 'n ondersoek afdoende bewys is: Met dien verstande dat die voorgaande bepalings van hierdie subartikel nie afbreuk doen nie aan die verpligting van die registrator om uitvoering te gee aan 'n hofbevel of aan enige ander kennisgewing wat kragtens hierdie Wet of enige ander wetsbepaling in die registrasiekantoor aangeteken is en wat die registrasie of liassing van die betrokke akte of ander dokument raak.”.

4. Artikel 40 van die Hoofwet word hierby gewysig deur paragraaf (e) van subartikel (1) te skrap.

Wysiging van artikel 40 van Wet 47 van 1937, soos gewysig deur artikel 18 van Wet 43 van 1957 en artikel 16 van Wet 43 van 1962.

5. Artikel 41 van die Hoofwet word hierby herroep.

Herroeping van artikel 41 van Wet 47 van 1937, soos gewysig deur artikel 15 van Wet 87 van 1965.

6. Die volgende artikel word hierby in die Hoofwet na artikel 43 ingevoeg:

“Sertifikaat van geregistreerde titel ten opsigte van grond voorheen kragtens geregistreerde deeltitel gehou.

43A.(1) Waar grond ingevolge die bepalings van die Wet op Deeltitels, 1971 (Wet 66 van 1971), na die grondregister teruggeplaas word en die ontwikkelaar se titel kragtens die bepalings van gemelde Wet nie herleef nie, reik die registrator 'n sertifikaat van geregistreerde titel in die voorgeskrewe vorm uit ten opsigte van sodanige grond ter vervanging van die sertifikate van geregistreerde deeltitel waarkragtens die grond voor sodanige terugplasing gehou is: Met dien verstande dat waar die grond wat na die grondregister teruggeplaas word slegs 'n gedeelte vorm van grond wat voorheen in die grondregister geregistreer was, 'n kaart van so 'n gedeelte aan die sertifikaat van geregistreerde titel geheg moet word.

(2) Die registrator maak die nodige inskrywings in sy registers en oorkondes, en endossemente op die tersaaklike geregistreerde aktes en ander dokumente, om aan die terugplasing van grond na die grondregister ingevolge subartikel (1) gevolg te gee.”.

7. Artikel 56 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

Wysiging van artikel 56 van Wet 47 van 1937, soos gewysig deur artikel 26 van Wet 43 van 1957, artikel 23 van Wet 87 van 1965 en artikel 8 van Wet 3 van 1972.

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"No transfer of mortgaged land shall be attested or executed by the registrar, and no cession of a mortgaged lease of immovable property, or of any mortgaged real right in land shall be registered until the bond has been cancelled or the land, lease or right has been released from the operation of the bond with the consent in writing of the holder thereof or unless, in the case of any such mortgage bond which has been lost or destroyed, the registrar has on application by the registered holder thereof, cancelled [the entry in his register in respect of] the registry duplicate of such bond?".

Amendment of section 57 of Act 47 of 1937, as amended by section 27 of Act 43 of 1957, section 24 of Act 43 of 1962 and section 7 of Act 92 of 1978.

8. Section 57 of the principal Act is hereby amended -

(a) by the substitution for subsection (2) of the following subsection:

"(2) In registering the transfer in terms of subsection (1) the registrar shall -

- (a) endorse upon the deed of transfer that the land has been transferred subject to the bond;
- (b) endorse upon the bond that the transferee has been substituted for the transferrer as debtor; and
- (c) make such consequential entries in the registry records as he deem necessary.";

(b) by the deletion in subsection (4) of the word "or" at the end of paragraph (b); and

(c) by the deletion of paragraph (c) of subsection (4).

9. The following section is hereby substituted for section 58 of the principal Act:

Substitution of section 58 of Act 47 of 1937, as amended by section 9 of Act 3 of 1972 and section 8 of Act 92 of 1978.

"Powers in respect of certain property in insolvent and certain other estates.

58.(1) Immovable property which has vested in a trustee under the law relating to insolvency and which has not in accordance with that law been re-vested in the insolvent may, whether before or after rehabilitation of the insolvent, be transferred only by the trustee, and may not after such rehabilitation be transferred, mortgaged or otherwise dealt with by the insolvent until it has been transferred to him by the trustee: Provided that if after rehabilitation the trustee has been discharged or there is no trustee in existence, the Master shall, if satisfied that the rehabilitated insolvent is entitled to the property, give him transfer thereof in such manner as may be prescribed.

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“Geen transport van grond wat met verband beswaar is, mag deur die registrateur geattesteer of onderteken word nie en geen sessie van 'n met verband beswaarde huur van onroerende goed of van 'n met verband beswaarde saaklike reg oor grond word geregistreer nie alvorens die verband gerojeer is of die grond, huur of reg, met skriftelike toestemming van die verbandhouer, van die verband vrygestel is of tensy in die geval van so 'n verband wat verlore geraak het of vernietig is, die registrateur, ingevolge 'n aansoek deur die geregistreerde houer daarvan, die [**inskrywing in sy register ten aansien**] registrasieduplikaat van bedoelde verband gerojeer het.”.

8. Artikel 57 van die Hoofwet word hierby gewysig -

- (a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) By registrasie van 'n transport ingevolge subartikel (1) moet die registrateur -

- (a) op die transportakte aanteken dat die grond onderworpe aan die verband getransporteer is;
- (b) op die verbandakte aanteken dat die transportnemer die transportgewer as skuldenaar vervang het; en
- (c) die gevolglike inskrywing in die registrasie-oor-kondes wat hy nodig ag, aanbring.”;

- (b) deur in subartikel (4) die woord “of” aan die einde van paragraaf (b) te skrap; en

- (c) deur paragraaf (c) van subartikel (4) te skrap.

9. Artikel 58 van die Hoofwet word hierby deur die volgende artikel vervang:

“Bevoegdhede ten opsigte van sekere bates in insolvente en ander boedels.

58.(1) Onroerende goed wat kragtens die insolvensiereg op 'n kurator oorgegaan het en wat nie ooreenkomsdig daardie reg aan die insolvente persoon teruggeval het nie, kan, het-sy voor of na die rehabilitasie van die insolvent, slegs deur die kurator getransporteer word, en die insolvent kan na sy rehabilitasie die goed nie transporteer, met verband beswaar of andersins daaroor beskik nie, totdat die kurator die goed aan hom getransporteer het: Met dien verstande dat indien die kurator na rehabilitasie ontslaan is of daar geen kurator bestaan nie, die Meester die goed aan die gerehabiliteerde insolvent op die voorgeskrewe wyse moet transporteer indien hy oortuig is dat die insolvent op die goed geregtig is.

Wysiging van artikel 57 van Wet 47 van 1937, soos gewysig deur artikel 27 van Wet 43 van 1957, artikel 24 van Wet 43 van 1962 en artikel 7 van Wet 92 van 1978.

Vervanging van artikel 58 van Wet 47 van 1937, soos gewysig deur artikel 9 van Wet 3 van 1972 en artikel 8 van Wet 92 van 1978.

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(2) If under the provisions of the law relating to insolvency an insolvent has been re-vested with the ownership of any property, such property may not be transferred, mortgaged or otherwise dealt with by the insolvent until an endorsement that the property has been restored to him, has been made by the registrar on the title deed of the property.

(3) Nothing in this section contained shall be construed as modifying any provision of the law relating to insolvency.

(4) The provisions of this section shall apply *mutatis mutandis* in respect of -

(a) estates administered and distributed under section 34 of the Administration of Estates Act, 1965 (Act 66 of 1965);

(b) companies which are unable to pay their debts and are liquidated and wound up by or under supervision of the court under the Companies Act, 1973 (Act 61 of 1973); and

(c) assets of an applicant referred to in Part III of the Agriculture Credit Act, 1966 (Act 28 of 1966), which are administered by a liquidator or trustee who has received from the Master a certificate mentioned in section 29 of the said Act.”

Repeal of section 59 of Act 47 of 1937.

Amendment of section 65 of Act 47 of 1937, as amended by section 30 of Act 43 of 1957 and section 27 of Act 43 of 1962.

10. Section 59 of the principal Act is hereby repealed.

11. Section 65 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) If the land to be encumbered by a personal servitude is mortgaged or subject to any other real right with which the said personal servitude may conflict, the bond or other registered deed by which such right is held shall be produced to the registrar together with a consent in writing of the legal holder of such bond or other right to the registration of the said personal servitude and, in the case of a bond, free from the bond.”

Amendment of section 93 of Act 47 of 1937, as amended by section 38 of Act 43 of 1957 and section 36 of Act 43 of 1962.

12. (1) Section 93 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

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(2) Indien die eiendom van goed kragtens die insolvensiereg aan 'n insolvent teruggeval het, kan die insolvent daardie goed nie transporteer, met verband beswaar of andersins daaroor beskik nie, totdat die registrateur op die titelbewys van die goed aangeteken het dat die goed aan die insolvent teruggegee is.

(3) Die bepalings van hierdie artikel wysig nie die bepalings van die insolvensiereg nie.

(4) Die bepalings van hierdie artikel is *mutatis mutandis* van toepassing ten opsigte van -

(a) boedels wat kragtens artikel 34 van die Boedelwet, 1965 (Wet 66 van 1965), beredder en verdeel word;

(b) maatskappye wat hulle skulde nie kan betaal nie en kragtens die Maatskappywet, 1973 (Wet 61 van 1973), deur of onder toesig van die hof gelikwdeer word; en

(c) bates van 'n applikant bedoel in Deel III van die Wet op Landboukrediet, 1966 (Wet 28 van 1966), wat beheer word deur 'n beredderraar of kurator wat van die Meester 'n sertifikaat in artikel 29 van genoemde Wet vermeld, ontvang het.”

10. Artikel 59 van die Hoofwet word hierby herroep.

Herroeping van artikel 59 van Wet 47 van 1937.

11. Artikel 65 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

Wysiging van artikel 65 van Wet 47 van 1937, soos gewysig deur artikel 30 van Wet 43 van 1957 en artikel 27 van Wet 43 van 1962.

“(3) Indien die grond wat deur 'n persoonlike serwituit beswaar moet word, beswaar is met 'n verband of 'n ander saaklike reg waarteen bedoelde serwituit sou kon indruis, beswaar is, moet die verband of ander geregistreerde akte waarkragtens daardie reg besit word aan die registrateur voorgelê word, tesame met 'n geskrewe toestemming van die wettige houer van daardie verband of ander reg tot die registrasie van bedoelde persoonlike serwituit, en, in die geval van 'n verband, vry van die verband.”

12. (1) Artikel 93 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 93 van Wet 47 van 1937, soos gewysig deur artikel 38 van Wet 43 van 1957 en artikel 36 van Wet 43 van 1962.

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"(1) If any person or partnership whose name appears in any registered deed or other document has changed his or its name, the registrar shall, upon written application by that person or partnership accompanied by proof of the change of name, and if he is satisfied that no change of legal personality is implied in such change of name, endorse on the said deed or other document that the name of the person or partnership has been changed to the name stated in the application: Provided that -

- (a) if it appears from such deed or other document that any other person is affected by such change of name, such other person shall consent in writing to the aforesaid endorsement;
- (b) the application shall be accompanied by any other operative deed registered in the registry in which the applicant's old name appears as a party thereto other than as transferor or cedent; and
- (c) a woman who assumes her husband's surname or resumes her former surname shall not be obliged to record such assumption or resumption of surname against any registered deed or other document to enable her to deal with land or a real right in land held by her under such deed or other document.".

(2) The provisions of subsection (1) of section 93 of the principal Act as they existed prior to the substitution of that subsection by subsection (1) of this section, shall, notwithstanding such substitution, continue to apply in respect of any application for registration of a change of name referred to in that subsection and which has been lodged with the registrar of deeds before the coming into operation of this section.

Amendment of section 102 of Act 47 of 1937, as amended by section 12 of Act 43 of 1972 and section 7 of Proclamation AG. 32 of 1985.

13. Section 102 of the principal Act is hereby amended -

- (a) by the substitution in subsection (1) for the definition of "land" of the following definition:

"'land' includes [an undivided] a share in land;";
and

- (b) by the substitution in subsection (1) for the definition of "share" of the following definition:

"'share', in relation to land and rights to minerals, means an undivided share;".

Amendment of section 2 of Proclamation AG. 32 of 1985.

14. (1) Section 2 of the Transfer of Executive Powers (Justice) Amendment Proclamation, 1985, is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

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"(1) Indien die naam van 'n persoon of 'n vennootskap wat in 'n geregistreerde akte of ander dokument voorkom, verander is, moet die registrateur op skriftelike aansoek van daardie persoon of vennootskap, vergesel van bewys van die naamsverandering, mits hy oortuig is dat met daardie naamsverandering geen verandering van regspersoonlikheid gepaard gaan nie, op bedoelde akte of ander dokument aanteken dat die naam van die persoon of die vennootskap verander is na die naam vermeld in die aansoek: Met dien verstande dat -

- (a) waar dit volgens bedoelde akte of ander dokument voorkom dat 'n ander persoon deur bedoelde naamsverandering geraak word, daardie persoon skriftelik tot bedoelde aantekening moet toestem;
- (b) die aansoek vergesel gaan van enige ander werkende akte wat in die registrasiekantoor geregistreer is en waarin bedoelde aansoeker se vorige naam anders dan as transportgewer of sedent verskyn; en
- (c) 'n vrou wat haar man se van aanvaar of haar vorige van herneem, nie verplig is om sodanige naamsverandering teen 'n akte of ander dokument te laat aanteken ten einde haar in staat te stel om met die grond of saaklike reg in grond deur haar gehou kragtens sodanige akte of ander dokument te handel nie."

(2) Die bepalings van subartikel (1) van artikel 93 van die Hoofwet soos dit bestaan het voor die vervanging van daardie subartikel deur subartikel (1) van hierdie artikel bly, ondanks daardie vervanging, van toepassing ten opsigte van 'n aansoek om registrasie van naamsverandering in daardie subartikel bedoel wat voor die inwerkingtreding van hierdie artikel by die registrateur van aktes ingedien is.

13. Artikel 102 van die Hoofwet word hierby gewysig -

- (a) deur in subartikel (1) die omskrywing van "grond" deur die volgende omskrywing te vervang:

"'grond' omvat 'n **[onverdeelde]** aandeel in grond;"
en

- (b) deur in subartikel (1) die omskrywing van "aandeel" deur die volgende omskrywing te vervang:

"'aandeel' beteken, met betrekking tot grond en regte op minerale, 'n onverdeelde aandeel;"

Wysiging van artikel 102 van Wet 47 van 1937, soos gewysig deur artikel 12 van Wet 43 van 1972 en artikel 7 van Proklamasie AG. 32 van 1985.

14. (1) Artikel 2 van die Wysigingsproklamasie op die Oordrag van Uitvoerende Gesag (Justisie), 1985, word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:

Wysiging van artikel 2 van Proklamasie AG. 32 van 1985.

Act No. 26, 1985**DEEDS REGISTRIES AMENDMENT ACT, 1985**

"(2) The person who held the office of registrar of deeds immediately before the commencement of this Proclamation by virtue of an appointment under section 2 of the Deeds Registries Act, 1937, and the person who so held the office of assistant registrar of deeds, shall be deemed to have been appointed at such commencement, under the said section 2, as amended by subsection (1) of this section, as registrar of deeds and deputy registrar of deeds, respectively."

(2) Subsection (1) shall be deemed to have come into operation on 1 June 1984.

Short title and commencement.

16. (1) This Act shall be called the Deeds Registries Amendment Act, 1985, and shall come into operation on a date to be fixed by the Administrator-General by proclamation in the *Official Gazette*.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

WYSIGINGSWET OP REGISTRASIE VAN AKTES, 1985**Wet No. 26, 1985**

“(2) Die persoon wat onmiddellik voor die inwerkingtreding van hierdie Proklamasie uit hoofde van 'n aanstelling kragtens artikel 2 van die Registrasie van Aktes Wet, 1937, die amp van registrator van aktes beklee het en die persoon wat die amp van assistent-registrator van aktes aldus beklee het, word geag by bedoelde inwerkingtreding kragtens genoemde artikel 2, soos gewysig deur subartikel (1) van hierdie artikel, as onderskeidelik registrator van aktes en adjunk-registrator van aktes aangestel te wees.”.

(2) Subartikel (1) word geag op 1 Junie 1984 in werking te getree het.

15. (1) Hierdie Wet heet die Wysigingswet op Registrasie van Aktes, 1985, en tree in werking op 'n datum wat die Administrateur-generaal by proklamasie in die *Offisiële Koerant* bepaal.

Kort titel en inwerkingtreding.

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.