



rural development  
& land reform

Department:  
Rural Development & Land Reform  
REPUBLIC OF SOUTH AFRICA

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**REGISTRARS CIRCULAR NO. 5 OF 2015**

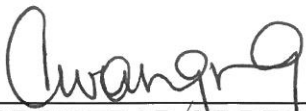
**APPLICATION OF SECTION 4(1)(B) AND SECTION 3(1)(V)**

1. There are examples where, although the application has reflected that in terms of section 4(1) (b) (iv) of the abovementioned Act there “has not been a transfer of any rights”, in some cases a transfer of rights and properties are being transferred in terms of the above sections. Where there is uncertainty, examiners must request any additional documentation to prove the allegations in the applications.

**Examples would be:-**

- (1) Copies if ID document,- is the ID number completely different from that indicated in the title deed, if so, it might be a completely different person which would result in a transferring of rights.
- (2) Copy of the marriage certificate where the status of the parties is to be amended. Where the status has been altered from marriage in to out of community of property, a copy of the deed of sale might be requested to ascertain whether the property should have only been registered in the one spouse’s name or in both spouses’ names.
- (3) Certificates of Incorporations – is date of sale prior to Certificate of Incorporation, if so, the company did not exist when the transfer took place.
- (4) Where there has been a change in name in respect of a person, company, close corporation or trust, proof of such name change must be lodged. E.G. Gazette for name of a person, Cipro Certificate or any such other certificate indicating the old and the new name where a company or close corporation has amended its name (please note that the registration number should be exactly the same for the old and new company/close corporation with maybe the exception of the last 2 digits), a copy of the amended trust letters with the application for the change of name of a Trust.
- (5) Where in terms of section 3(1) (v) of The Deeds Registries Act No: 47 of 1937 there is a request for a vesting in another person or body, there must be some authority to indicate that the property has vested in this other person or entity, either by way of statute, proclamation etc., or a vesting transfer would be required. Where such vesting is alleged, proof must be lodged or provided giving the authority for such vesting. **Section 3(1) (v) vesting’s must be utilized with utmost caution.**

- (6) As a result of the risk of fraud which could arise when utilizing the above mentioned sections of the Act, it is advised that examiners request any documents to assist in determining whether there has been no transfer of rights.

  
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**REGISTRAR OF DEEDS**  
**PRETORIA**  
**DATED:** 10/2/2015