



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 353.

8 Maart 1972.

No. 353.

8th March, 1972.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby in algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 3 van 1972: Wysigingswet op Registrasie van Aktes, 1972.

No. 3 of 1972: Deeds Registries Amendment Act, 1972.

Wet No. 3, 1972

WYSIGINGSWET OP REGISTRASIE VAN AKTES, 1972.

WET

Om die Registrasie van Aktes Wet, 1937, op die gebied Suidwes-Afrika van toepassing te maak; om die omskrywing van „Minister” in genoemde Wet te vervang; om die woorde „Goewerneur-generaal” en „Unie” oral waar hulle in genoemde Wet voorkom deur die woorde „Staatspresident” en „Republiek” te vervang; om sekere wette van die gebied Suidwes-Afrika te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Maart 1972.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 47 van 1937, soos gewysig deur artikel 1 van Wet 61 van 1969.

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

„(a) Daar bestaan registrasiekantore te Kaapstad, Kingwilliamstown, Kimberley, Vryburg, Pietermaritzburg, Pretoria, Bloemfontein en Windhoek, elkeen vir sy onderskeie gebied soos in die Tweede Bylae omskryf.”.

Wysiging van artikel 2 van Wet 47 van 1937, soos gewysig deur artikel 1 van Wet 43 van 1957, artikel 1 van Wet 43 van 1962, artikel 1 van Wet 87 van 1965 en artikel 2 van Wet 61 van 1969.

2. Artikel 2 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

„(c) vir ’n registrasiekantoor, indien nodig—

- (i) een of meer adjunk-registrateurs van aktes of een of meer assistent-registrateurs van aktes of een of meer adjunk-registrateurs van aktes en een of meer assistent-registrateurs van aktes; of
- (ii) een of meer adjunk-registrateurs van Randdorpe of een of meer assistent-registrateurs van Randdorpe of een of meer adjunk-registrateurs van Randdorpe en een of meer assistent-registrateurs van Randdorpe,

na gelang van die geval, wat onderskeidelik bevoeg is om, met inagneming van die regulasies, enige handeling of ding te verrig wat kragtens hierdie Wet of ’n ander wetsbepaling wettig verrig kan word deur ’n registrateur van aktes of deur die registrateur van Randdorpe, na gelang van die geval.”.

Wysiging van artikel 9 van Wet 47 van 1937.

3. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die raad bestaan uit die registrateurs van aktes te Kaapstad, Pretoria, Bloemfontein, Pietermaritzburg, Kingwilliamstown en Windhoek, die registrateur van Randdorpe, die Staatsprokureur, een lid (deur die Minister aangestel) van die opmetingsregulasieraad ingestel kragtens artikel 8 (1) van die Opmetingswet, 1927 en sewe transport

DEEDS REGISTRIES AMENDMENT ACT, 1972.

Act No. 3, 1972

ACT

To apply the Deeds Registries Act, 1937, to the territory of South-West Africa; to substitute the definition of "Minister" in the said Act; to substitute the words "State President" and "Republic" for the words "Governor-General" and "Union" wherever they occur in the said Act; to repeal certain laws of the territory of South-West Africa; and to provide for incidental matters.

(English text signed by the State President.)

(Assented to 2nd March, 1972.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

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

Amendment of section 1 of Act 47 of 1937, as amended by section 1 of Act 61 of 1969.

"(a) There shall be deeds registries at Cape Town, Kingwilliamstown, Kimberley, Vryburg, Pietermaritzburg, Pretoria, Bloemfontein and Windhoek, each to serve its respective area as defined in the Second Schedule."

2. Section 2 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

Amendment of section 2 of Act 47 of 1937, as amended by section 1 of Act 43 of 1957, section 1 of Act 43 of 1962, section 1 of Act 87 of 1965 and section 2 of Act 61 of 1969.

"(c) for a deeds registry, if necessary—

- (i) one or more deputy registrars of deeds or one or more assistant registrars of deeds or one or more deputy registrars of deeds and one or more assistant registrars of deeds; or
- (ii) one or more deputy registrars of Rand townships or one or more assistant registrars of Rand townships or one or more deputy registrars of Rand townships and one or more assistant registrars of Rand townships,

as the case may be, who shall respectively have the power, subject to the regulations, to do any act or thing which may lawfully be done under this Act or any other law by a registrar or by the Rand townships registrar, as the case may be."

3. Section 9 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 9 of Act 47 of 1937.

"(2) The Board shall consist of the registrars of deeds at Cape Town, Pretoria, Bloemfontein, Pietermaritzburg, Kingwilliamstown and Windhoek, the Rand townships registrar, the State Attorney, one member, who shall be appointed by the Minister, of the Survey Regulations Board established under section 8 (1) of the Land Survey

Wet No. 3, 1972

WYSIGINGSWET OP REGISTRASIE VAN AKTES, 1972.

besorgers van wie die met regspersoonlikheid beklede verenigings van regspraktisyns in die verskeie provinsies elkeen een en die Minister twee, wat erkende plattelandse praktisyns moet wees, aanstel.”.

Wysiging van artikel 10 van Wet 47 van 1937, soos gewysig deur artikel 5 van Wet 43 van 1957, artikel 5 van Wet 43 van 1962 en artikel 4 van Wet 87 van 1965.

4. Artikel 10 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

„(7) Die regulasies wat kragtens die Registrasie van Aktes Proklamasie, 1939 (Proklamasie No. 37 van 1939), van die Gebied, uitgevaardig is en wat by die inwerking-treding van die Wysigingswet op Registrasie van Aktes, 1972, van krag is, word geag kragtens hierdie artikel vir die registrasiekantoor te Windhoek uitgevaardig te gewees het.”.

Wysiging van artikel 17 van Wet 47 van 1937, soos gewysig deur artikel 1 van Wet 15 van 1953, artikel 1 van Wet 37 van 1953, artikel 8 van Wet 43 van 1957 en artikel 8 van Wet 43 van 1962.

5. Artikel 17 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Alle deur of ten behoeve of ten gunste van vrouens opgemaakte aktes wat deur ’n registrateur onderteken of geattesteer of deur ’n notaris geattesteer is en in ’n registrasiekantoor geregistreer moet word, moet in elke geval die volle naam en staat van die betrokke vrou vermeld, naamlik of sy ongetroud, getroud, ’n weduwee of geskeie is, na gelang van die geval. As die vrou getroud is, moet die volle naam van haar man ook vermeld word, en as die huwelik beheers word deur die reg wat in die Republiek of ’n deel daarvan geld, moet vermeld word of die huwelik in of buite gemeenskap van goedere aangegaan is. As die huwelik beheers word deur die reg van ’n ander land, moet vermeld word dat die huwelik deur die reg van daardie land beheers word.”;

(b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Onroerende goed, verbande of ander saaklike regte mag nie getransporeer of gesedeer word aan, of geregistreer word op naam van, ’n vrou wat in gemeenskap van goedere getroud is nie, behalwe wanneer daardie goed, verbande of saaklike regte volgens wet of volgens ’n voorwaarde van ’n bemaking of skenking van die gemeenskap uitgesluit is of wanneer daardie goed, verkry is ingevolge die bepalings van die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966).”;

(c) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Indien onroerende goed, wat nie van die gemeenskap uitgesluit is nie, by die inwerking-treding van hierdie Wet op naam van ’n vrou wat in gemeenskap van goedere wat nog voortbestaan, getroud is, geregistreer is, kan haar man met wie sy aldus getroud is, tensy sy deur ’n bevel van die hof gemagtig is om daarmee te handel, en behoudens die bepalings van artikel 1 (1) van die Wet op Huweliksaangeleenthede, 1953 (Wet No. 37 van 1953), of artikel 1 (1) van die Ordonnansie op Huweliksaangeleenthede, 1955 (Ordonnansie No. 25 van 1955), van die Gebied, alleen met daardie goed handel.”; en

(d) deur paragraaf (b) van subartikel (6) deur die volgende paragraaf te vervang:

„(b) ’n vrou wat op die datum van die registrasie buite gemeenskap van goedere getroud was of wie se huwelik op daardie datum beheers was deur die

DEEDS REGISTRIES AMENDMENT ACT, 1972.

Act No. 3, 1972

Act, 1927, and seven conveyancers of whom one shall be appointed by each of the incorporated law societies in the several provinces and two by the Minister who shall be recognized country practitioners.”.

4. Section 10 of the principal Act is hereby amended by the addition of the following subsection:

“(7) The regulations made under the Registration of Deeds Proclamation, 1939 (Proclamation No. 37 of 1939), of the Territory, and in force at the commencement of the Deeds Registries Amendment Act, 1972, shall be deemed to have been made under this section in respect of the deeds registry at Windhoek.”.

Amendment of section 10 of Act 47 of 1937, as amended by section 5 of Act 43 of 1957, section 5 of Act 43 of 1962 and section 4 of Act 87 of 1965.

5. Section 17 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) All deeds executed or attested by a registrar, or attested by a notary public and required to be registered in a deeds registry, and made by or on behalf of or in favour of women, shall in each case disclose the full name and status of the woman concerned, whether unmarried, married, widowed or divorced, as the case may be. If the woman is married the full name of her husband shall also be disclosed, and if the marriage is governed by the law in force in the Republic or any part thereof it shall be stated whether the marriage was contracted with or without community of property. If the marriage is governed by the law of any other country it shall be stated that the marriage is governed by the law of that country.”;

Amendment of section 17 of Act 47 of 1937, as amended by section 1 of Act 15 of 1953, section 1 of Act 37 of 1953, section 8 of Act 43 of 1957 and section 8 of Act 43 of 1962.

- (b) by the substitution for subsection (3) of the following subsection:

“(3) Immovable property, bonds or other real rights shall not be transferred or ceded to, or registered in the name of, a woman married in community of property, save where such property, bonds or real rights are by law or by a condition of a bequest or donation excluded from the community or where such property, has been acquired under the provisions of the Agricultural Credit Act, 1966 (Act No. 28 of 1966).”;

- (c) by the substitution for subsection (4) of the following subsection:

“(4) If immovable property not excluded from the community has at the commencement of this Act been registered in the name of a woman married in community of property which still subsists, her husband to whom she is so married may, unless she has been authorized by an order of court to deal therewith and subject to the provisions of section 1 (1) of the Matrimonial Affairs Act, 1953 (Act No. 37 of 1953), or section 1 (1) of the Matrimonial Affairs Ordinance, 1955 (Ordinance No. 25 of 1955), of the Territory, alone deal with such property.”; and

- (d) by the substitution for paragraph (b) of subsection (6) of the following paragraph:

“(b) a woman who at the date of the registration was married out of community of property or whose marriage was at that date governed by the law of

Wet No. 3, 1972

WYSIGINGSWET OP REGISTRASIE VAN AKTES, 1972.

reg van 'n ander land as die Republiek, en wat daarna 'n weduwee geword het of geskei is."

Wysiging van
artikel 18 van
Wet 47 van 1937.

6. Artikel 18 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Indien 'n stuk onvervreemde Staatsgrond opgemeet en op 'n kaart gebring is, moet die betrokke registrateur op skriftelike aansoek van die Minister van Landbou of in die geval van die Gebied, van die Administrateur van die Gebied, vergesel van die kaart van die grond in duplo, besonderhede van die grond in die aangewese registers inskrywe en 'n sertifikaat van 'n geregistreeerde Staatstitel, deur 'n transportbesorger opgestel, in die voorgeskrewe vorm en in ooreenstemming met die kaart daarvan, onderteken."

Wysiging van
artikel 42 van Wet
47 van 1937, soos
gewysig deur
artikel 17 van
Wet 43 van 1962.

7. Artikel 42 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Indien die eienaar van twee of meer stukke grond—

- (a) wat aanmekaar grens;
- (b) wat in dieselfde administratiewe distrik geleë is;
- (c) wat in dieselfde grondregister geregistree is; en
- (d) waarop verskillende besitsvoorwaardes van toepassing is of wat onderworpe is aan verskillende uitgehoue regte ten gunste van die Staat,

verlang om sy titel ten opsigte van daardie stukke grond onder eenvormige besitsvoorwaardes of onderworpe aan die voorbehoud van eenvormige regte ten gunste van die Staat, te konsolideer, kan die titelbewyse van daardie stukke grond, met die skriftelike toestemming van die Minister van Landbou of in die geval van die Gebied, van die Administrateur van die Gebied, en mits aan die bepalings van hierdie artikel voldoen word, vervang word deur 'n sertifikaat van eenvormige titel, in die voorgeskrewe vorm deur die registrateur uitgereik, en onderworpe aan die eenvormige besitsvoorwaardes of aan die voorbehoud van die eenvormige regte ten gunste van die Staat wat in die skriftelike toestemming uiteengesit word."; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die Minister van Landbou of in die geval van die Gebied, die Administrateur van die Gebied, kan met die eienaar 'n ooreenkoms tref aangaande die voormelde eenvormige besitsvoorwaardes of eenvormige regte ten gunste van die Staat en kan toestemming verleen tot die uitreiking van 'n sertifikaat van eenvormige titel."

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

8. Artikel 56 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) deur die kurator van 'n insolvente boedel, 'n eksekuteur wat 'n boedel kragtens artikel 34 van die Boedelwet, 1965 (Wet No. 66 van 1965), beredder en verdeel, die likwidateur van 'n maatskappy wat sy skulde nie kan betaal nie en wat deur of onder toesig van die hof gelikwideer word, of 'n beredderaar of kurator ingevolge die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), gekies of aangestel; of"

DEEDS REGISTRIES AMENDMENT ACT, 1972.

Act No. 3, 1972

any country other than the Republic, and who has since been widowed or divorced.”.

6. Section 18 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of section 18 of Act 47 of 1937.

“(3) If any piece of unalienated State land has been surveyed and is represented on a diagram the registrar concerned shall, upon written application by the Minister of Agriculture or, in the case of the Territory, by the Administrator of the Territory, accompanied by the diagram of the land in duplicate, enter particulars of the land in the appropriate registers and execute in the prescribed form and in accordance with the diagram, a certificate of registered State title thereof prepared by a conveyancer.”.

7. Section 42 of the principal Act is hereby amended—

Amendment of section 42 of Act 47 of 1937, as amended by section 17 of Act 43 of 1962.

(a) by the substitution for subsection (1) of the following subsection:

“(1) If the owner of two or more pieces of land which are—

- (a) contiguous to each other;
- (b) situate in the same administrative district;
- (c) registered in the same property register; and
- (d) held on different conditions of tenure, or subject to different rights reserved in favour of the State, desires to consolidate his title in respect of those pieces of land on uniform conditions of tenure or subject to the reservation of uniform rights in favour of the State, the title deeds of the said pieces of land may, with the written consent of the Minister of Agriculture or, in the case of the Territory, of the Administrator of the Territory, and on compliance with the provisions of this section, be superseded by a certificate of uniform title issued by the registrar, in the prescribed form, subject to such uniform conditions of tenure or to the reservation of such uniform rights in favour of the State, as are set forth in such written consent.”; and

(b) by the substitution for subsection (3) of the following subsection:

“(3) The Minister of Agriculture or, in the case of the Territory, the Administrator of the Territory, may agree with the owner as to the aforesaid uniform conditions of tenure or uniform rights in favour of the State, and may consent to the issue of a certificate of uniform title.”.

8. Section 56 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

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

“(b) by the trustee of an insolvent estate, an executor administering and distributing an estate under section 34 of the Administration of Estates Act, 1965 (Act No. 66 of 1965), the liquidator of a company which is unable to pay its debts and which is being wound up by or under the supervision of the court or a liquidator or trustee elected or appointed under the Agricultural Credit Act, 1966 (Act No. 28 of 1966); or”.

Wet No. 3, 1972

WYSIGINGSWET OP REGISTRASIE VAN AKTES, 1972.

Wysiging van
artikel 58 van
Wet 47 van 1937.

9. Artikel 58 van die Hoofwet word hierby gewysig deur subartikel (7) deur die volgende subartikel te vervang:

„(7) Die bepalinge van hierdie artikel is *mutatis mutandis* van toepassing ten opsigte van—

- (a) boedels wat kragtens artikel 34 van die Boedelwet, 1965 (Wet No. 66 van 1965), beredder en verdeel word;
- (b) maatskappye wat hulle skulde nie kan betaal nie en kragtens die wet op maatskappye deur of onder toesig van die hof gelikwideer word; en
- (c) bates van 'n applikant ingevolge die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), wat beheer word deur 'n beredderaar of kurator wat van die Meester 'n sertifikaat in artikel 29 van die genoemde Wet vermeld, ontvang het.”.

Wysiging van
artikel 72 van
Wet 47 van 1937,
soos gewysig deur
artikel 33 van Wet
43 van 1957 en
artikel 30 van Wet
43 van 1962.

10. Artikel 72 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Wanneer die Minister van Landbou dit nodig ag dat regte op minerale van die eiendomsreg van Staatsgrond of grond toegeken of getransporeer onder voorbehoud van regte op minerale ten gunste van die Staat geskei word, kan hy skriftelik by die registrateur aansoek doen om die uitreiking ten gunste van die Regering van 'n sertifikaat ten opsigte van sodanige regte op minerale as wat in die aansoek vermeld word, en die registrateur moet daarop so 'n sertifikaat in die by regulasie voorgeskrewe vorm uitreik en op die titelbewys van die betrokke grond endosseer dat bedoelde regte en die eiendomsreg van die grond aldus geskei is.”.

Wysiging van
artikel 87 van
Wet 47 van 1937,
soos vervang deur
artikel 30 van Wet
87 van 1965.

11. Artikel 87 van die Hoofwet word hierby gewysig deur subartikel (4) te skrap.

Wysiging van
artikel 102 van
Wet 47 van 1937.

12. Artikel 102 van die Hoofwet word hierby gewysig—

- (a) deur die omskrywing van „transportbesorger” deur die volgende omskrywing te vervang:

„transportbesorger” beteken, met betrekking tot 'n registrasiekantoor, iemand wat as sodanig praktiseer in die provinsie waarin daardie registrasiekantoor geleë is en omvat elkeen wat by die inwerkingtreding van die „Wet op Registratiekantoren van Akten, 1918” (Wet No. 13 van 1918), of die „Registratie van Akten Proclamatie, 1920” (Proklamasie No. 8 van 1920), van die Gebied, regtens bevoeg was om in daardie provinsie aktes van transport en verband op te stel;”;

- (b) deur na die omskrywing van „algemene plan” die volgende omskrywing in te voeg:

„„Regering” beteken ook die Administrasie van die Gebied;”;

- (c) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:

„„Minister” beteken die Minister van Justisie;”;

- (d) deur die omskrywing van „eienaar” deur die volgende omskrywing te vervang:

„„eienaar” beteken, met betrekking tot onroerende goed, die persoon wat as eienaar of besitter daarvan geregistreer is en omvat die kurator van 'n insolvente boedel, 'n beredderaar of kurator

DEEDS REGISTRIES AMENDMENT ACT, 1972.

Act No. 3, 1972

9. Section 58 of the principal Act is hereby amended by the substitution for subsection (7) of the following subsection: Amendment of section 58 of Act 47 of 1937.

“(7) 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 No. 66 of 1965);
- (b) companies which are unable to pay their debts and are liquidated or wound up by or under the supervision of the court under the law relating to companies; and
- (c) assets of an applicant under the Agricultural Credit Act, 1966 (Act No. 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.”

10. Section 72 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 72 of Act 47 of 1937, as amended by section 33 of Act 43 of 1957, and section 30 of Act 43 of 1962.

“(2) Whenever the Minister of Agriculture deems it necessary that rights to minerals be separated from the ownership of State land or land granted or transferred subject to a reservation of rights to minerals in favour of the State, he may apply in writing to the registrar for the issue in favour of the Government of a certificate of such rights to minerals as may be set forth in the application, and the registrar shall thereupon issue such a certificate in the form prescribed by regulation and endorse on the title deed of the land in question that such rights and the ownership of the land have been so separated.”

11. Section 87 of the principal Act is hereby amended by the deletion of subsection (4). Amendment of section 87 of Act 47 of 1937, as substituted by section 30 of Act 87 of 1965.

12. Section 102 of the principal Act is hereby amended— Amendment of section 102 of Act 47 of 1937.

- (a) by the substitution for the definition of “conveyancer” of the following definition:

“‘conveyancer’ means, in respect of any deeds registry, a person practising as such in the province within which that deeds registry is situate and includes every person who at the commencement of the Deeds Registries Act, 1918 (Act No. 13 of 1918), or the Deeds Registries Proclamation, 1920 (Proclamation No. 8 of 1920), of the Territory, was authorized by law to prepare deeds of transfer and mortgage bonds within such province;”;

- (b) by the insertion after the definition of “general plan” of the following definition:

“‘Government’ includes the Administration of the Territory;”;

- (c) by the substitution for the definition of “Minister” of the following definition:

“‘Minister’ means the Minister of Justice;”;

- (d) by the substitution for the definition of “owner” of the following definition:

“‘owner’ in relation to immovable property means the person registered as the owner or holder thereof and includes the trustee in an insolvent estate, a liquidator or trustee elected or appointed under

Wet No. 3, 1972

WYSIGINGSWET OP REGISTRASIE VAN AKTES, 1972.

- ingevolge die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), gekies of aangestel, die likwidateur van 'n maatskappy wat eienaar is, en die wetlik erkende verteenwoordiger van 'n eienaar wat oorlede is, of wat minderjarig of kranksinnig of andersins onbevoeg is, mits daardie kurator, beredderaar, likwidateur of wetlike verteenwoordiger binne sy wetlike bevoegdheid handel;";
- (e) deur na die omskrywing van „prospekteerkontrak” die volgende omskrywings in te voeg:
„provincie” beteken ook die Gebied;
„provinciale administrasie” beteken ook die Administrasie van die Gebied;";
- (f) deur na die omskrywing van „regulasie” die volgende omskrywing in te voeg:
„Republiek” beteken ook die Gebied;";
- (g) deur na die omskrywing van „nederstelling” die volgende omskrywings in te voeg:
„Staat” beteken ook die Administrasie van die Gebied;
„Gebied” beteken die gebied Suidwes-Afrika;
„die inwerkingtreding van hierdie Wet” beteken, met betrekking tot die Gebied en die registrasiekantoor, en elkeen wat die amp beklee van registrateur of assistent-registrateur van aktes, te Windhoek, die inwerkingtreding van die Wysigingswet op Registrasie van Aktes, 1972;"; en
- (h) deur die byvoeging van die volgende subartikel, terwyl die bestaande artikel subartikel (1) word:
„(2) 'n Verwysing in hierdie Wet na 'n bepaling van die Boedelwet, 1965 (Wet No. 66 van 1965), word by die toepassing van hierdie Wet in die Gebied uitgelê as 'n verwysing na die ooreenstemmende bepaling van die wetsbepalings met betrekking tot boedels wat van tyd tot tyd in die Gebied van krag is.”.

Invoeging van artikel 102A in Wet 47 van 1937.

13. Die volgende artikel word hierby in die Hoofwet na artikel 102 ingevoeg:

„Toepassing van hierdie Wet op die gebied Suidwes-Afrika. 102A. Hierdie Wet en enige wysiging daarvan, met uitsondering van artikels 70 tot en met 74*bis* en artikels 84 en 85, is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel.”.

Wysiging van die Tweede Bylae by Wet 47 van 1937, soos gewysig deur artikel 40 van Wet 43 van 1957, artikel 37 van Wet 43 van 1962 en artikel 8 van Wet 61 van 1969.

14. Die Tweede Bylae by die Hoofwet word hierby gewysig deur die volgende paragraaf by te voeg:

„(i) van die registrasiekantoor te Windhoek: die gebied Suidwes-Afrika.”.

Vervanging van „Goerwenerneer-generaal” en „Unie” in Wet 47 van 1937.

15. Die Hoofwet word hierby gewysig deur die woorde „Goewerneur-generaal” en „Unie”, oral waar hulle voorkom, deur onderskeidelik die woorde „Staatspresident” en „Republiek” te vervang.

Herroeping van wette en voorbehoud.

16. (1) Behoudens die bepalinge van subartikel (2), word die wette van die gebied Suidwes-Afrika in die Bylae vermeld, hierby herroep vir sover in die derde kolom van die Bylae aangedui.

DEEDS REGISTRIES AMENDMENT ACT, 1972.

Act No. 3, 1972

- the Agricultural Credit Act, 1966 (Act No. 28 of 1966), the liquidator of a company which is an owner and the representative recognized by law of any owner who has died or who is a minor or of unsound mind or is otherwise under disability: Provided that such trustee, liquidator or legal representative is acting within the authority conferred on him by law;"
- (e) by the insertion after the definition of "prospecting contract" of the following definitions:
 "'province' includes the Territory;
 'provincial administration' includes the Administration of the Territory;"
- (f) by the insertion after the definition of "regulation" of the following definition:
 "'Republic' includes the Territory;"
- (g) by the insertion after the definition of "settlement" of the following definitions:
 "'State' includes the Administration of the Territory;
 'Territory' means the territory of South-West Africa;
 'the commencement of this Act' means, in relation to the Territory and the deeds registry, and any person holding the office of registrar or assistant registrar of deeds, at Windhoek, the commencement of the Deeds Registries Amendment Act, 1972;" and
- (h) by the addition of the following subsection, whilst the existing section becomes subsection (1):
 "(2) Any reference in this Act to any provision of the Administration of Estates Act, 1965 (Act No. 66 of 1965), shall, in the application of this Act in the Territory, be construed as a reference to the corresponding provision of the laws relating to estates which may be in force in the Territory from time to time."

13. The following section is hereby inserted in the principal Act after section 102:

"Application of this Act to the Territory of South-West Africa. 102A. This Act and any amendment thereof, save sections 70 to 74*bis*, inclusive, and sections 84 and 85, shall also apply in the Territory of South-West Africa, including the Eastern Caprivi Zipfel."

Insertion of section 102A in Act 47 of 1937.

14. The Second Schedule to the principal Act is hereby amended by the addition of the following paragraph:

"(i) by the deeds registry at Windhoek, the Territory of South-West Africa."

Amendment of Second Schedule to Act 47 of 1937, as amended by section 40 of Act 43 of 1957, section 37 of Act 43 of 1962 and section 8 of Act 61 of 1969.

15. The principal Act is hereby amended by the substitution for the words "Governor-General" and "Union", wherever they occur, of the words "State President" and "Republic" respectively.

Substitution of "Governor-General" and "Union" in Act 47 of 1937.

16. (1) Subject to the provisions of subsection (2), the laws of the territory of South-West Africa mentioned in the Schedule, are hereby repealed to the extent set out in the third column of the Schedule.

Repeal of laws and savings.

Wet No. 3, 1972

WYSIGINGSWET OP REGISTRASIE VAN AKTES, 1972.

(2) Die bepalings van hierdie Wet—

(a) is nie van toepassing nie op die registrasie in die Mynbriewekantoor in Windhoek van dokumente wat betrekking het op regte wat kragtens die Ordonnansie op Myne, Bedrywe en Minerale, 1968 (Ordonnansie No. 20 van 1968), van die gebied Suidwes-Afrika of 'n ander wetsbepaling op myne of minerale toegeken of verkry is, en vir die registrasie waarvan in die registrasiekantoor genoem in artikel 1 van die Registrasie van Aktes Proklamasie, 1939 (Proklamasie No. 37 van 1939), van daardie Gebied, of in gemelde Mynbriewekantoor in daardie Proklamasie of in die Staatspresident se Proklamasie op Registrasie van Myntitels, 1969 (Proklamasie No. R.90 van 1969), of in 'n ander wetsbepaling voorsiening gemaak word;

(b) raak nie 'n bevoegdheid, werksaamheid of plig van die Registrateur van Mynbriewe aangestel ingevolge die genoemde Proklamasie op Registrasie van Myntitels, 1969, nie,

en die bepalings van die genoemde Proklamasie op Registrasie van Myntitels, 1969, word uitgevoer asof hierdie Wet nie aange-
neem was nie.

(3) Hierdie artikel is ook in die Oostelike Caprivi Zipfel van toepassing.

Kort titel en
inwerkingtreding.

17. Hierdie Wet heet die Wysigingswet op Registrasie van Aktes, 1972, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Bylae.

WETTE HERROEP

No. en jaar van wet	Kort titel	In hoeverre herroep
Proklamasie No. 37 van 1939	Registrasie van Aktes Proklamasie, 1939 . . .	Die geheel.
Ordonnansie No. 31 van 1952	Wysigingsordonnansie op die Registrasie van Aktes, 1952	Die geheel.
Ordonnansie No. 19 van 1958	Wysigingsordonnansie op die Registrasie van Aktes, 1958	Die geheel.
Ordonnansie No. 32 van 1963	Wysigingsordonnansie op Registrasie van Aktes, 1963	Die geheel.
Ordonnansie No. 11 van 1964	Wysigingsordonnansie op die Registrasie van Aktes, 1964	Die geheel.
Ordonnansie No. 17 van 1967	Wysigingsordonnansie op die Registrasie van Aktes, 1967	Die geheel.
Ordonnansie No. 20 van 1968	Ordonnansie op Myne, Bedrywe en Minerale, 1968	Artikels 96 tot en met 100.

DEEDS REGISTRIES AMENDMENT ACT, 1972.

Act No. 3, 1972

(2) The provisions of this Act—

- (a) shall not apply to the registration in the Mining Titles Office at Windhoek of documents relating to rights granted or acquired under the Mines, Works and Minerals Ordinance, 1968 (Ordinance No. 20 of 1968), of the territory of South-West Africa, or any other law relating to mines or minerals and for the registration of which in the deeds registry mentioned in section 1 of the Deeds Registry Proclamation, 1939 (Proclamation No. 37 of 1939), of that Territory or in the said Mining Titles Office provision is made in that Proclamation or in the State President's Mining Titles Registration Proclamation, 1969 (Proclamation No. R.90 of 1969) or in any other law;
- (b) shall not affect any power, function or duty of the Registrar of Mining Titles appointed in terms of the said Mining Titles Registration Proclamation, 1969, and the provisions of the said Mining Titles Registration Proclamation, 1969, shall be administered as if this Act had not been enacted.

(3) This section shall also apply in the Eastern Caprivi Zipfel.

17. This Act shall be called the Deeds Registries Amendment Act, 1972, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

Schedule.

LAWS REPEALED

No. and Year of Law	Short Title	Extent of Repeal
Proclamation No. 37 of 1939.	Deeds Registry Proclamation, 1939 . . .	The whole.
Ordinance No. 31 of 1952 .	Deeds Registry Amendment Ordinance, 1952	The whole.
Ordinance No. 19 of 1958 .	Deeds Registry Amendment Ordinance, 1958	The whole.
Ordinance No. 32 of 1963 .	Deeds Registry Amendment Ordinance, 1963	The whole.
Ordinance No. 11 of 1964 .	Deeds Registry Amendment Ordinance, 1964	The whole.
Ordinance No. 17 of 1967 .	Deeds Registry Amendment Ordinance, 1967	The whole.
Ordinance No. 20 of 1968 .	Mines, Works and Minerals Ordinance, 1968	Sections 96 to 100, inclusive.

