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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

**NO. 5599** **29 November 2024**

# ELECTRONIC DEEDS REGISTRATION SYSTEMS ACT, 2019
# (ACT NO. 19 OF 2019)

## ELECTRONIC DEEDS REGISTRATION SYSTEMS REGULATIONS

The Minister of Land Reform and Rural Development intends, in terms of section 5 of the Electronic Deeds Registration Systems Act, 2019 (Act No. 19 of 2019), on the recommendations of the Regulations Board, to make the regulations in the Schedule.

Interested persons are invited to send written comment on the proposed regulations within 30 days from the date of publication of this notice to the Minister, for the attention of:

By Post: The Chief Registrar of Deeds (For attention: Ms AS Reynolds)
Private Bag X250, Agriculture Place, Arcadia, Pretoria, 0002

By Hand: Chief Registrar of Deeds: 20 Steve Biko Road, Agriculture Place, Arcadia, Pretoria, 0002

By e-mail: Antoinette.reynolds@dalrrd.gov.za or Carlize.knoesen@dalrrd.gov.za
Telephone (Office): 012 337 9325

The proposed regulations are available on the Department's Website: www.dalrrd.gov.za

## SCHEDULE

## ARRANGEMENT OF REGULATIONS

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### 1. Definitions

In these Regulations, any word or expression defined in the Act has the same meaning in the Regulations, unless the context indicates otherwise, and –

**"Act"** means the Electronic Deeds Registration Systems Act, 2019 (Act No.19 of 2019), and any amendment thereof;

**"Deeds Registries Act"** means the Deeds Registries Act, 1937 (Act No. 47 of 1937);

**"directive"** means a directive issued by the Chief Registrar of Deeds, as contemplated by section 2(2) of the Act;

**"e-DRS"** means the "electronic deeds registration system" as defined in section 1 of the Act;

**"lodge"** means electronic submission of a deed or document to the deeds registration system for the purpose of registration, and "lodgement" has a corresponding meaning;

**"Sectional Titles Act"** means the Sectional Titles Act, 1986 (Act No. 95 of 1986); and

**"statutory officer"** means a person, other than a conveyancer or notary public, duly authorised by any law to prepare a deed or other document for registration or filing in a deeds registry.

## 2. Categories of authorised users

(a) Authorised users are categorised as follows:

(*i*) ***Primary users***: conveyancers, notaries and statutory officers that may use the e-DRS for purposes of preparation, lodgement, registration and execution of deeds and documents.

(*ii*) ***Secondary users***: persons that use the e-DRS for submission of supporting documentation relating to the registration of deeds and documents for verification and authentication purposes.

(*iii*) ***Internal users***: deeds registry officials that perform functions pertaining to deeds registration examination, registration and execution or functions pertaining to deeds support.

(*iv*) ***Public users***: public users using the e-DRS for purposes of obtaining information.

## 3. Authorised user registration and user file

(1) All users must be registered as users of the e-DRS in the manner and under the conditions as stipulated in directives issued by the Chief Registrar of Deeds.

(2) Only a conveyancer, notary public or statutory officer may register as a primary user of the e-DRS.

(3) (a) A statutory officer must, in respect of any dealing in terms of this Act: -

(i) keep a file in which he or she stores all original deeds, notices of registration of deeds, supporting documents, approvals, consents,

powers, receipts and any other document lodged for purposes of registration or filing in a deeds registry;

(ii) retain his or her file and the contents thereof for a period of at least seven years after the date of execution, registration or filing in a deeds registry; and

(iii) take such reasonable precautions for the safe custody of such file as may be necessary.

(b) A conveyancer and notary public must comply with the provisions of the Rules made by the South African Legal Practice Council in terms of the Legal Practice Act, 2014 (Act No. 28 of 2014), in respect of retaining of files and documents relating to matters dealt with on behalf of clients.

**4. Preparation of deeds and documents**

(1) Deeds and documents must be prepared by persons authorised thereto under the Deeds Registries Act and the Sectional Titles Act.

(2) All deeds for execution or registration in terms of the Deeds Registries Act, Sectional Titles Act or other legislation, must be electronically prepared on the e-DRS in the manner and format as stipulated in directives issued by the Chief Registrar of Deeds.

**5. Lodgement of deeds and documents**

(1) Deeds and documents intended for execution, registration or filing, may be lodged by primary users only.

(2) Supporting documentation relating to the registration of deeds and documents for verification and authentication purposes may be lodged by secondary users.

(3) Deeds and documents must be lodged through the e-lodgement portal to the deeds registry which serves the area in which the property is situated.

(4) By lodgement, uploading or scanning of a deed or document electronically, the relevant authorized user warrants that it was made from the original document or from a certified copy as contemplated by regulations 20(7) or 65(10) of the Regulations in terms of the Deeds Registries Act 47 of 1937, as amended (GN

R474 of 29 March 1963) or that it is a submission of an electronic generated document.

**6. Procedure for electronic record storing**

(1) e-DRS records management shall be in line with electronic records management, policies, principles and requirements relevant to organs of state.

(2) e-DRS data shall be stored on a deeds data storage infrastructure or a secured Government partner's storage infrastructure approved by the Chief Registrar of Deeds.

(3) Electronic deeds and documents, as well as other transactional related information shall be stored in a secure and auditable manner.

(4) Electronic deeds, documents and data shall be archived and backed up in accordance with the directives issued in terms of section 2(2) of the Act.

**7. Manner of electronic payment**

(1) Primary and public users must pay the fees of office as prescribed in terms of regulation 85 of the Regulations in terms of the Deeds Registries Act 47 of 1937 (GN R474 of 29 March 1963).

(2) Upon acceptance of the electronically generated quotation for information, all users must do a real-time payment for information.

(3) The prescribed fees must be paid by using the functionality on the e-DRS provided for that purpose.

(4) Public user transactions shall be payable through virtual accounts; debit or credit card speed points; digital wallet; instant electronic funds transfer; or electronic payment gateways before delivery of products or processing of requests.

(5) Money deposited shall be allocated to the client's e-DRS virtual account for transacting on the e-DRS: Provided that all applicable prescribed transaction fees shall be deducted from the client's virtual account.

**8. Execution and registration of deeds and documents**

(1) The Registrar's signature in respect of the execution or registration of any deed or document, and the signature of a primary user on any deed to be executed or registered by a Registrar, shall be an advanced electronic signature and it shall be deemed that the primary user has signed in the presence of the Registrar: Provided that in the case of a notary public being a primary user, the requirement of an advanced electronic signature shall only apply if the deed or document is prepared and attested on the e-DRS.

(2) Upon registration the e-DRS will generate and issue a secure, detailed transaction document containing all information pertaining to the registered transaction.

**9. Short title and commencement**

(1) These Regulations are called the Electronic Deeds Registration Systems Regulations, 2025.

(2) The regulations will come into operation on date of commencement of sections 1, 3, and 6 of the Electronic Deeds Registration Systems Act, 2019.

**MZWANELE NYHONTSO, MP**
**MINISTER OF LAND REFORM AND RURAL DEVELOPMENT**
**DATE:** 14/11/2024

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