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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5942 **4 March 2025**

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

ELECTRONIC DEEDS REGISTRATION SYSTEMS REGULATIONS

I, Mzwanele Nyhontso, Minister of Land Reform and Rural Development, hereby publishes the regulations made in terms of section 5(1) of the Electronic Deeds Registration Systems Act, 2019 (Act No. 19 of 2019).



MZWANELE NYHONTSO, MP
MINISTER OF LAND REFORM AND RURAL DEVELOPMENT
DATE: 01/03/2025

SCHEDULE

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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);

"advanced electronic signature" means a "signature" as defined in section 1 of the Act;

"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 execution, registration or filing, and "lodgement" has a corresponding meaning; 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 execution, registration or filing in a deeds registry.

2. Categories of authorised users

(a) Authorised users are categorised as follows:

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

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

(*iii*) ***Internal users***: deeds registry officials who perform functions pertaining to deeds and document registration examination, registration, 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 authorised users of the e-DRS in the manner and under the conditions as stipulated in directives issued in terms of section 2(2) of the Act.

(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) establish and maintain a secure filing system in which he or she stores all original paper copies of deeds, certified copies of deeds and documents, notices of registration of deeds, supporting documents, approvals, consents, powers of attorney, receipts and any other

document lodged by electronic means in terms of this Act for purposes of registration or filing in a deeds registry;

(ii) maintain and retain the said filing system and the contents thereof for a period of at least seven years after the date of execution, registration or filing of any document in a deeds registry in terms of this Act; and

(iii) take such reasonable precautions for the safe custody of the said filing system and its contents as may be necessary, including the establishment of a back-up facility.

(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 in terms of section 2(2) of the Act.

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 lodging, uploading or scanning of a deed or document electronically, the relevant authorised user warrants that it was compiled 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 or that it is a submission of an electronically-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 applicable 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 transaction-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 by regulation 84 of the Regulations in terms of the Deeds Registries Act.

(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 / digital wallet; 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 / digital wallet 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 certificate of registration as well as 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 one month from the date of publication hereof in the Gazette.

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