



# Government Gazette

**REPUBLIC OF SOUTH AFRICA**

*Regulation Gazette*

No. 7965

Vol. 467

Pretoria

14

May

2004

**No. 26352**



**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

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## GOVERNMENT NOTICE

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### DEPARTMENT OF MINERALS AND ENERGY

No. R. 604

14 May 2004

### MINING TITLES REGISTRATION ACT, 1967 (ACT NO 16 OF 1967)

The Minister of Minerals and Energy has, in terms of section 10 of the said Act, as amended by the Mining Titles Registration Amendment Act, 2003 (Act No 24 of 2003) made the regulations herein.

**MINING TITLES REGISTRATION ACT, 1967****REGULATIONS**  

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**CHAPTER I****SHORT TITLE AND COMMENCEMENT**

1. These Regulations shall be called the Mining Titles Registration Regulations, 2004, and shall come into operation on the date of commencement of the Mining Titles Registration Amendment Act 24 of 2003. In these regulations, unless the context otherwise indicates, "the Act" means the Mining Titles Registration Act, (Act No 16 of 1967), or any amendment thereof, and any expression to which a meaning has been assigned in that Act, when used in these regulations, bears the meaning so assigned.

2. **STATUTORY AUTHORISATION**

Section 10 of the Act authorises these Regulations which regulations substitute those promulgated on 18 April 1969 and any other subsequent amendments.

3. **INTERPRETATION AND DEFINITION**

These Regulations shall be read in conjunction with the Act, but in the event of inconsistency between the provisions of the Act and the Regulations, the provisions of the Act shall prevail.

Co-ordinated point shall mean a point that does not correspond to existing surface right cadastral boundaries as recorded on a diagram and has not necessarily been positioned within the relevant limit of allowable error as defined by the Land Survey Act, 1997 (Act No. 8 of 1997), unless the relevant permission, permit, reservation or right adjoins an existing mining right, in which case the co-ordinated point shall be surveyed within

relevant standard of accuracy as defined in the Mine Health and Safety Act, 1996 (Act No. 29 of 1996).

Surveyor shall mean a person registered as a professional land surveyor or mine surveyor in terms of the Professional and Technical Surveyors Act, 1984 (Act No. 40 of 1984) or a person so recognized as a surveyor.

## CHAPTER II

### POWERS OF ATTORNEY

4. Every power of attorney prepared in the Republic to perform any act in the Mineral and Petroleum Titles Registration Office shall be prepared by a practising attorney, notary or conveyancer. Such power shall bear an endorsement "Prepared by me" signed by the preparer, indicating his or her name and capacity. Such preparer accepts responsibility for all facts mentioned and relevant to such Power. A power of attorney which was prepared by a practicing attorney must be countersigned by a conveyancer
5. Where applicable powers shall state the mode of disposal (*causa*) as well as the date thereof which shall be the same as that stated in the transfer duty receipt, and the price therein, if a sale.
6. Every power shall contain the full names of the parties therein concerned, their identity number or registration number and their marital status.
7. All material alterations and interlineations shall be initialed by the principal, witnesses and the preparer. If the original witnesses are no longer available new witnesses shall attach their full signatures to such alterations and interlineations.
8. A Power in a foreign language may be accepted if a translation, by a person admitted to practise as a sworn translator within the Republic, is lodged therewith. In the event that there is no sworn translator of such foreign language readily available, the Director-General may accept a translation made under oath by such other person as he or she may approve.
9. The rights being dealt with shall in the case of special powers of attorney, be described in accordance with the principal's title and any endorsement thereon. The number and date of such title shall also be quoted.
10. More than one right or class of right may be described in a power provided they are all owned by the principal or more than one principal in undivided shares and each right is described in a separate paragraph.
11. The place and date of execution of a power shall be given therein and the place sufficiently described to enable the Director-General to determine whether or not it is situated within the Republic.
12. All signatures shall be in good quality black ink.
13. Any restraints other than existing restraints that are compulsory by law which

are to be incorporated in any deed, shall be described in the power.

14. A general power of attorney shall not be accepted as authority to deal with any right unless such power contains specific authority empowering the agent to so deal with the right. Such power must also be registered in the Mineral and Petroleum Titles Registration Office.
15. (a) A copy of an original power of attorney filed in the office of the Director-General or Master of the High Court, a Registrar of Deeds, or the Regional Manager, may be accepted by the Director-General for purposes of the original if any such copy is certified under the hand and seal, if any, of such officer.
  - (b) Whenever one seeks to act upon any such certified copy, he or she shall lodge, together with the documents of the transaction concerned, a certificate from the issuing authority, bearing a date not more than 21 days prior to production, stating that no revocation of such power of attorney has been notified to him or her.
  - (c) Upon lodgment of a certificate by virtue of the preceding paragraph, the Director-General shall have authority to act in connection with the registration of any consent, cession or other matter given, made or completed at any time prior to the date of lodgment of such certificate.
  - (d) The Director-General may issue a copy of any original power filed in his or her office for use in any public office. Such a copy shall be endorsed as having been issued for use in such public office and the original endorsed indicating that a copy has been so issued.
  - (e) (i) A substitution of an agent appointed in any such power of attorney shall be registered in the Mineral and Petroleum Titles Registration Office. If a copy of the original power has been issued for use in any public office, a copy of the power of substitution shall be furnished for certification and transmission to such office.
    - (ii) A substitution of an agent appointed in a power registered in any office referred to in sub-regulation (a) shall not be accepted unless it is first registered in the office where the original power of attorney is filed.
  - (f) If any original power of attorney registered in the Mineral and Petroleum Titles Registration Office is revoked, the Director-General shall immediately upon receipt of such revocation notify any public office to which a certified copy has been issued of such revocation.
  - (g) A notice of the revocation of any power of attorney filed in the Minerals

and Petroleum Titles Office shall only be recognized if it is signed by the principal or by a person expressly authorized by him or her in writing to revoke such power.

- (h) If a power of attorney is written, typed or printed on a form of mortgage bond or deed of transfer or authorizes the passing of a bond or transfer on a form annexed thereto such form shall not be accepted for execution and registration as a bond or transfer.

**CHAPTER III****PREPARATION AND LODGEMENT OF DEEDS AND DOCUMENTS  
EXCLUDING BONDS**

16. Deeds and documents shall be lodged by a conveyancer, a notary or by a person authorized by such conveyancer or a notary in duplicate at the Mineral and Petroleum Titles Registration Office and shall be prepared in the form prescribed in Schedule A.
17. Deeds and supporting documents executed or registered and filed within the Republic shall be neatly and plainly printed, leaving a clear margin of at least four centimetres for binding purposes.
18. All deeds, supporting documents and other instruments proper for execution or registration at the Mineral and Petroleum Titles Registration Office, shall be lodged during determined hours on working days with the receiving official who shall note thereon the date of such lodgment.
19. The person lodging deeds and all supporting documents shall place them in covers approved by the Director-General on which shall be briefly noted, the nature of the transaction, particulars of the rights dealt with and the documents lodged.
20. Material alterations and interlineations on a deed or other document if made, shall be initialed either by the preparer or the person or persons executing such deed or other document and also by the persons attesting the same. Where, however, the alterations and / or interlineations are attested by persons other than the original attestors, such persons shall attach their signatures.
21. All alterations and interlineations shall, in the case of a deed attested by a notary, be initialed also by such notary.
22. The upper half of the first page of a deed shall be left clear and shall be used only for endorsement purposes.
23. Any spaces in a deed, which have not been used, shall be ruled through and where such deed is comprised of more than one page, the pages shall be numbered.
24. The Director-General may decline to attest, execute, register, or accept, as the case may be, any deed or document if the writing, typing, dating or reproduction in any deed or any supporting document lodged is not sufficiently clear, owing to faintness, other blemish, or the paper is of a



quality which is not likely to ensure durability.

25. (a) Deeds and supporting documents shall contain the full names, identity numbers and the status of the persons named therein.  
  
(b) In the case of a company and any other body identified by a registration number, the registered number shall be disclosed, while in the case of a statutory body the number of the Act constituting it shall be quoted.
26. The addition of an alias to the description of any person by or to whom a deed, lodged for execution or attestation in the Mineral and Petroleum Titles Registration Office, is to be passed, shall not be permitted nor shall it be recognized for the purpose of these regulations.
27. Every deed conferring title to any right shall quote—
  - (a) the number and date of title, deed and/or other document by which the transferor holds the right to be transferred;
  - (b) the name, portion, number, registration division of the farm and the region where the right is situated;
  - (c) the number allotted by the Mineral and Petroleum Titles Registration Office to the diagram or plan defining the right.
28. When dealing with any right under the Act, the relevant title, deed or other document by which such right is held, shall be lodged with the transaction which is sought to be registered or if such document is lost, a certified copy thereof issued to serve in the place of the original.
29. Where a right is to be transferred or ceded in execution of a judgment of any court, it shall not be necessary for the appointed officer to produce the relevant title or certified copy thereof if such officer certifies in writing that he or she has been unable to obtain possession of such title or copy.
30. Where the extent of any right is quoted in any deed or bond such extent shall be expressed in both figures and words.
31. (a) Where an undivided share in any right is being dealt with the expression "share" shall be used and such share shall be expressed in one fraction in its lowest terms. In complicated cases the method used in arriving at the result shall be furnished and where the denominator of the fraction exceeds two figures the fraction shall be expressed as a decimal to four figures.  
  
(b) If a right to be transferred or mortgaged is held by several deeds or by two or more holders, the conveyancer shall furnish a declaration containing particulars regarding the different fractional shares held under

each deed and by each such holder.

- (c) Where a share in any right is transferred from two or more deeds under which such share is held, one or more of such deeds shall, first be exhausted.
32. In any deed conferring a title to any right, the rights of the State shall be expressly reserved.
33. No condition shall be included in any deed which purports to impose upon the Director-General any duty or obligation not sanctioned by law and where such a condition appears in any deed, it shall be null and void.
34. All deeds proper for execution should be executed before the Director-General in the Mineral and Petroleum Titles Registration Office within ten working days after the date of lodgement unless the Director-General permits deeds to be executed before or after the expiration of the said period.
35. All deeds or document lodged for registration shall, if circumstances permit, be registered or rejected within the period stated in regulation 34 above.
36. Deeds lodged for execution or registration shall be fully examined in the first instance but the Director-General shall, upon discovery of a defect in any such deed or supporting document, have powers to direct that further examination of such deed be postponed until the defect has been remedied or that such deed be rejected in the ordinary course.
37. Any deed lodged for execution, registration or recording shall be accompanied by all such supporting documents as may be necessary in connection with the examination of such deed, together with any receipts or certificates required by law to be produced in connection therewith.
38. (a) When a deed, lodged for execution, registration or any other purpose, is intended to be dealt with simultaneously in conjunction with any other matters or deeds lodged by another conveyancer, a note to that effect shall be made by the conveyancers concerned on all lodgement covers. If any one or all conveyancers omit to comply with this requirement any transaction so intended to be coupled with others but in respect of which such note does not appear on the cover may, if in order, be dealt with independently of any such other deed or deeds.
- (b) Where such a note has been made and any one or all the matters intended to be dealt with simultaneously are not being proceeded with, the note relating to such matter shall be deleted on the cover and the deletion initialled by the responsible conveyancer if his or her transaction is to proceed.

39. Where special conditions are imposed by proper authority, in addition to the usual conditions, if any, on any form of right or any renewal or extension thereof, such special conditions shall, so long as they remain in force, be embodied in every deed of transfer, cession or other instrument evidencing ownership of such right.

## CHAPTER IV

## DIAGRAMS AND PLANS

40. The Director-General shall not record or register-
- (a) any prospecting right, exploration right, retention permit, mining permit, reconnaissance permission, reconnaissance permit or technical co-operation permit or
  - (b) any reservation, permission or right referred to in item 9 in Schedule II to the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002),
- unless it is accompanied by a plan approved and certified by a surveyor, depicting the area which is the subject of such permission, permit, reservation or right.
41. The Director-General shall not register any mining right or production right unless it is accompanied by a diagram depicting the area which is the subject of such right.
42. All plans shall-
- (a) indicate -
    - (i) the north point;
    - (ii) the scale to which the plan has been drawn;
    - (iii) the name, number, registration division and portion of the farm or farms on which the relevant area is situated;
    - (iv) the region in which the relevant area is situated; and
    - (v) the shape of the relevant area in relation to the farm boundaries and co-ordinated points;
  - (b) be certified, approved, signed and dated by the surveyor unless the Director-General otherwise indicate; and
  - (c) be drawn up in such a form and to such scale as may be required by the Director-General.
43. In every other instance not referred to in these regulations, the holder of any other permit, permission or right referred to in clause 9 of schedule 2 of the Mineral and Petroleum Resources Development, 2002 (Act 28 of 2002) who seeks to register such right shall submit a plan.

## CHAPTER V

### BONDS

44. Mortgage bonds shall be prepared and lodged by a conveyancer or by a person authorised by such conveyancer.
45. Every mortgage bond shall contain—
- (a) a full and clear description of the right to be bonded;
  - (b) the date and number of the title, deed or other document under which the right is held by the mortgagor;
  - (c) the name, portion, number, registration division of the farm and the region where such right is situated, and
  - (d) the number of the diagram or plan allotted by the Mineral and Petroleum Titles Registration Office by which the right to be mortgaged is defined.
46. If two or more mortgage bonds are lodged on the same day, over the same right, they shall disclose the order in which they rank.
47. Where a right is mortgaged subject to special conditions limiting the rights of the holder, the Director-General may require that such conditions be set out in the bond or a suitable reference be made thereto.
48. The noting of any part payment or reduction of cover on any bond does not have to be reflected on the deed of bond of the right affected.
49. Every cession of a bond shall set out the *causa* of such cession.
50. No cession of part of any sum due under a bond shall be registered without the consent of the mortgagor unless such consent is contained in the bond.
51. Where an application is made for the registration of a cession or cessions of a bond which had previously been ceded but not registered, the Director-General shall register such cessions on submission by the applicant of previous cessions or notarially certified copies thereof or an acknowledgement of such cessions as directed by the Director-General.
52. No cession of the balance due under any bond shall be registered until the amount paid in reduction thereof is noted. No substitution under any bond other than a bond passed to secure future advances, part of the capital amount of which has been repaid, shall be registered, until the part payment

or reduction of cover, as the case may be, is noted.

53. Bonds hypothecating rights may be registered in the Mineral and Petroleum Titles Registration Office only if provision is made for the hypothecation of such rights in the laws by which they have been created. Where such laws stipulate that certain conditions have to be fulfilled prior to hypothecation proof of compliance with such conditions shall be furnished before such bonds are registered.
54. The written consent referred to in section 35 of the Act shall be lodged in duplicate. The original copy of the consent shall be filed in the Mineral and Petroleum Titles Registration Office and the duplicate copy annexed to the bond.
55. (a) If a collateral bond or a surety bond is lodged for registration in the Mineral and Petroleum Titles Registration Office and the principal bond is registered (or to be registered) in any deeds registry a copy of such principal bond, certified by the Registrar concerned or conveyancer lodging the collateral or surety bond shall be lodged for filing with such collateral or surety bond.
  - (b) If the collateral bond or surety bond is drawn substantially in accordance with the form provided in Schedule A to these regulations, sub-regulation (a) need not be complied with.
  - (c) In the event of a collateral bond or surety bond being required to be executed simultaneously with the principal bond, the Registrar of Deeds concerned shall advise the Director-General of the execution of the principal bond.
56. If the registered holder of a mortgage bond which has been lost or destroyed or his lawful representative desires to procure cancellation of the entry relating thereto in the register, the Director-General shall upon written application by the legal holder or his lawful representative, duly witnessed, cancel such entry. Any cancellation so effected shall be deemed to be a cancellation of such bond without formal consent to cancellation.

**CHAPTER VI****COPIES OF DEEDS, PLANS, DIAGRAMS AND OTHER DOCUMENTS**

57. Copies of deeds, plans or other documents required for information only shall be issued by the Director-General on written application by any person and the words "Issued for information only" stamped on every page of such copies.
58. Copies of deeds required for judicial purposes only shall be issued on written application by any officer of the Court, and the words "Issued for judicial purposes only" stamped on every page of such copies.
59. Where copies are issued for official purposes to any State Department, every page of such copies shall be stamped "Issued for official purposes only".
60. (a) Where a deed, plan or other document has been lost or destroyed, the registered holder of the right, permit or permission concerned or his or her lawful representative may submit written application to the Director-General for a copy of such deed, plan or other document. Such an application shall be accompanied by an affidavit or solemn declaration by the registered holder setting forth –
- (i) the number and registration date of the lost deed, plan or document;
  - (ii) that it is not pledged, detained or held as security for any debt or otherwise;
  - (iii) that it has been lost or destroyed and that notwithstanding diligent search, it cannot be found;
  - (iv) the circumstances, if possible, under which it was lost or destroyed; and
  - (v) any other evidence, as the Director-General may call for, to establish beyond doubt that such deed has been lost or destroyed.
- (b) The Director-General may issue the certified copy as required which copy shall not be issued until the Director-General has searched his or her registers and is satisfied that all endorsements regarding transactions, if any, registered therein, appear on the copy to be issued.
- (c) If a certified copy of any deed issued in lieu of a lost or destroyed deed is itself lost or destroyed, the Director-General may, subject to fulfillment

*mutatis mutandis* of the conditions prescribed in this regulation, issue a further copy to serve in the place of the original.

- (d) If any deed or certified copy of a deed issued to replace the original has become unserviceable, the Director-General may require a certified or further certified copy of the original to be applied for by the registered holder thereof or his or her lawful representative. The deed, which has become so unserviceable, shall be lodged together with the application.
61. The provisions of these Chapter shall apply *mutatis mutandis* to any deed made in favour of the President or of the Republic of South Africa and the application and solemn declaration may be made by the Minister of the Department charged with the custody of such deeds, plans or other documents or any officer of such Department authorized by him or her.
62. Where the Director-General is satisfied that any deed, plan or document has been lost, destroyed, or rendered unserviceable in his or her office or while it was held by any State Department, he or she may issue a copy thereof gratis upon application and affidavit by the holder.
63. The Director-General shall not issue a copy or copies of a lost or destroyed copy of a diagram to replace the original. Such copy shall only be issued by the office of the Surveyor-General.



**CHAPTER VII****INFORMATION**

64. The Director-General may permit members of the public to access the Mineral and Petroleum Titles Registration Office for the purposes of research and may regulate the times during which such research may be conducted.
65. Notwithstanding the above regulation the Director-General may, in accordance with section (6)(e) of the Act, refuse any member of the public access to the Mineral and Petroleum Titles Registration Office and give reasons for such refusal.
66. Persons who have received the necessary permission to access the office, may inspect such records, registers, diagrams, plans or other documents as the Director-General may approve on supervision of a responsible officer.
67. The Director-General may accept, for record, a copy of any document filed of record in any Government office produced by any process which gives an imprinted reproduction provided that such copy was reproduced on good quality paper and has been certified to be a true copy by or on behalf of the head of such office, a notary public or, in the case of a diagram, the Surveyor General.

**CHAPTER VIII****ARCHIVING**

68. (a) If the Director-General is satisfied that any record filed in his or her office, is in such a condition that it should be restored or preserved in the Archives, he or she may transfer such record to the Director of Archives for such purpose and upon such conditions relating to the restoration and supply of copies as the Director-General and the Director may mutually arrange.
- (b) Any copy so furnished by the Director-General shall be certified by him or her or any person designated by him or her and shall be deemed to be the original record for the purposes of the Act and these regulations.

**CHAPTER IX****GENERAL PROVISIONS**

69. Where applications or consents are required to be lodged in terms of the Act such applications and consents need not be prepared by a conveyancer unless so required by the Act or these Regulations, but shall be signed by the parties concerned and witnessed accordingly.
70. Where in the circumstances contained in the proviso to section 39 (4) of the Act, it is necessary to pass transfer to a rehabilitated insolvent, such transfer may be passed on a power of attorney signed by the Master.
71. (a) Where cancellation of registration of a personal servitude is sought under the provisions of section 43 of the Act, the Director-General may accept a unilateral notarial deed of cancellation by the holder of the servitude provided such deed does not impose any obligation on the holder of the right affected.
- (b) The Director-General may accept for registration a unilateral notarial deed of cession of a personal servitude as is mentioned in section 42 of the Act, provided such deed does not impose any obligations on the holder of the right affected by such servitude.
72. The provisions of regulation 16 Chapter III, of these regulations shall apply *mutatis mutandis* to all deeds and documents lodged for registration or record in the Mineral and Petroleum Titles Registration Office.
73. Any permission, right, lease, permit or other document evidencing title to any right which has been cancelled or abandoned or which has lapsed or otherwise determined may be disposed of by the Director-General after consultation with the Director of Archives if the retention of such document is no longer necessary: Any mortgage bond relating to such right which has been cancelled and/or the diagram or plan defining such right may similarly be disposed of provided that no diagram shall be destroyed which the Surveyor-General has not previously cancelled.
74. No preparation, lodgement or registration of deeds or other documents shall be done in the Mineral and Petroleum Titles Registration Office by correspondence.

## CHAPTER X

## OFFICE FEES AND CHARGES

75. The fees and charges mentioned in the Act shall be those specified in Schedule "B" to these regulations subject, however, to the following exemptions:
- (a) Any person engaged in research work of a historical character or of general public interest may be permitted, subject to such conditions as the Director-General may stipulate, to search the records and registers free of the payment of any fees. Any applicant who is a student of a tertiary institution incorporated by an Act of the Republic shall produce a certificate from the principal of such tertiary institution and in the case of any other person a certificate from the Director-General describing the purpose for which the search is to be made.
  - (b) No fee shall be payable if the same would within the meaning of Act 59 of 1962 or any amendment thereof be legally payable and borne by the State or any Department thereof.
  - (c) No fee shall be payable in respect of any transfer or cession of any right to the Republic or any Department thereof if such transfer or cession is in pursuance of a donation to or expropriation by the State of such right.
  - (d) No fees shall be levied by the Director-General in respect of the performance of any act prescribed by sections 5 (1) (q), (r), (t), (u) and (v) and 40 of the Act.
76. Upon written application by any local authority carrying out its statutory powers or duties to search the records kept in the Mineral and Petroleum Titles Registration Office, the Director-General may allow such search to be conducted upon payment of the prescribed fees unless provision has been made in any law allowing such searches to be made on behalf of such local authority without charge or at a higher or lower rate.
77. The Director-General may determine fees to be paid in respect of particulars of transactions entered into in the Mineral and Petroleum Titles Registration Office published in a newspaper or periodical if such publication serves a public purpose.

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## CHAPTER XI

### FORMS

78. Deeds and other documents shall conform as nearly as circumstances permit, to the prescribed forms contained in Schedule A to these regulations.

**SCHEDULE A**

**FORM A**

Prepared by me

.....

(Signature)

**CONVEYANCER**

.....

(State surname and initials in block letters.)

**DEED OF TRANSFER NO DT .....**

**WHEREAS**.....

appeared before me,

.....

the official designated by the Director-General: Minerals and Energy and the said Appearer, duly authorised thereto by a Power of Attorney granted to him or her by ..... (hereinafter called the transferor) which power of attorney was signed at ..... on the ..... day of ..... 20..... and is filed in this office.

AND the said Appearer declared that the transferor had sold, exchanged, rectified or donated and that the said appearer, in his or her capacity hereby transfers to .....(hereinafter called the transferee):—

**CERTAIN**

.....  
situate on the farm ..... in the .....

00000120

Region now held under:—

- (a) Deed of transfer / certificate of registered title No. .... dated .....
- (b) Right No. (if any).....
- (c) Diagram / Plan No. ....
- (d) Add any other further particulars as may be required by the Director-General,

together with all the obligations and rights granted by law with respect thereto and subject to such conditions as are mentioned or referred to in the said documents of title.

Wherefore all the right, title and interest which the transferor heretofore had to the right aforesaid is renounced, and in consequence it is also acknowledged that the transferor is entirely dispossessed of, and disentitled to, the same, and that, by virtue of these presents the aforesaid transferee now is entitled thereto, the State however, reserving its rights.

Signed, executed and sealed at the Mineral and Petroleum Titles Registration Office at PRETORIA on this ..... day of ..... 20.....

q.q.

In my presence,

*DIRECTOR-GENERAL: MINERALS AND ENERGY.*

Registered on the above date in the Register of Transfers under DT.....

**FORM B**

Prepared by me

.....

(Signature)

**CONVEYANCER**

.....

(State surname and initials in block letters.)

**CERTIFICATE OF REGISTERED TITLE NO CRT**

(Issued under the provisions of section 24 of the Mining Titles Registration Amendment Act, 1967)

**WHEREAS** ..... and ..... are joint holders of the under mentioned right by virtue of

.....//.

**AND WHEREAS** ..... has applied for a certificate of registered title under the provisions of section 24 (2) and (5) of the Mining Titles Registration Act, in respect of the share therein held by him or her.

**AND** whereas the provisions of this Act have been complied with.

**NOW THEREFORE** in pursuance of the provisions of the said Act, I, the Director-General, do hereby certify that the said ..... is the registered holder of:-

**CERTAIN** (describe the right and the share held therein) .....

000007E0



situate on the farm,..... in .....  
Region  
and defined by diagram/plan No. ....and held under DT / CRT  
No.....dated.....

(Where the right is subject to special conditions the Director-General may in his or her discretion require such special conditions to be set out in this certificate or he or she may permit a notarially certified copy of the document of the evidencing such special conditions to be annexed to each copy of this certificate and in the latter event a reference to the said copy so annexed should be made in this certificate).

Wherefore all the right, title and interest which the transferor heretofore had to the right aforesaid is renounced, and in consequence it is also acknowledged that the transferor is entirely dispossessed of, and disentitled to, the same, and that, by virtue of these presents the aforesaid transferee now is entitled thereto, the State however, reserving its rights.

Signed, executed and sealed at the Mineral and Petroleum Titles Registration Office at Pretoria on this ..... day of .....20.....

*DIRECTOR-GENERAL: MINERALS AND ENERGY*

Registered on the above date in the Register of Certificates of Registered Titles under CRT.....

**FORM C**

Prepared by me

.....

(Signature)

**CONVEYANCER**

.....

(State surname and initials in block letters.)

**CONSENT**

(TO SUBSTITUTION OF DEBTOR UNDER SECTION 38 OF THE MINING TITLES REGISTRATION ACT, 1967)

**WHEREAS** I, .....,  
am the legal holder of mortgage bond No  
..... dated .....  
20..... passed by ..... for the sum of R  
..... whereby was hypothecated as a  
..... mortgage certain (here describe the right  
concerned) .....

AND whereas there still remains due and owing under the said bond the full amount (where this is not so the balance due must be stated and a separate consent to noting part-payment must be lodged).

AND whereas the said ..... is about to transfer the aforesaid right to ..... who is willing to take over the liability of ..... and to be substituted for ..... as the debtor under the bond.

NOW therefore I, ....., hereby consent

04100000

under the provisions of the said Act to ..... being substituted as debtor under the bond and that from the date of execution of the transfer the said ..... shall be released from any obligation under the said bond.

Dated at ..... this ..... day of ..... 20 .....

AS WITNESSES:

1. ....

2. .... SIGNATURE OF MORTGAGEE

AND I, ....., having read the above consent of the legal holder of mortgage bond No ..... do hereby consent to accept transfer of the said right subject to such bond and to be substituted for the said ..... as debtor thereunder and I do hereby assume full liability for the indebtedness under the said bond in terms of the provisions of the said Act.

Dated at ..... this ..... day of ..... 20 .....

AS WITNESSES:

1. ....

2. .... SIGNATURE OF TRANSFEREE

NOTES:

1. The provisions of subsection (4) of section 38 of the Act must be observed where necessary.
2. In the case of a covering bond the amount owing need not be disclosed but if the bond is for a lesser amount a reduction of cover must be noted.

**FORM D**

Prepared by me

.....

(Signature)

**CONVEYANCER**

.....

(State surname and initials in block letters.)

**COLLATERAL MORTGAGE BOND NO CMB.....**

**WHEREAS:**

.....  
appeared before me, .....  
the official designated by the Director-General: Minerals and Energy and the said  
appearer, duly authorized thereto by a power of attorney which power of attorney  
was signed at ..... on the ..... day of  
..... 20..... and is filed in this office.

AND the said appearer declared that

WHEREAS his or her principal, the said ....., is  
truly and lawfully indebted to ..... (hereinafter called the mortgagee)  
in the sum of R..... arising from and being .....  
(here describe the clause of debt of the principal bond) as security for which  
indebtedness a mortgage bond (hereinafter called the principal bond) was registered in  
the Deeds Registry / Mineral and Petroleum Registration Office at  
..... on the ..... over the property

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thereby specially hypothecated.

AND WHEREAS the mortgagee requires the indebtedness of the appearer's principal under the principal bond to be further secured by the hypothecation of the undermentioned right as collateral security therefor.

NOW therefore the appearer renouncing all benefits arising from the legal exceptions ..... with the full force and effect of which he or she declared his or her said principal to be fully acquainted, did by these presents declare and acknowledge his or her said principal to be held and firmly bound into and in favour of the said ....., his or her order or assigns in the aforesaid sum of R..... together with the sum of R..... as a preferent charge for costs and other matters as more fully set out in the principal bond and as collateral security for the due and proper repayment of the aforesaid sums with interest on the capital sum and for the due and proper fulfillment of all the terms and conditions mentioned or referred to in the principal bond as well as all his or her said principal's obligations thereunder the said appearer on behalf of his or her said principal hereby declared to bind specially as a ..... mortgage, (here describe the right being bonded).

AND the said appearer further declared that this collateral bond shall be subject to all the terms and conditions set out in the principal bond as fully and effectually as if the same had been inserted herein and to the special condition that upon payment and discharge of all obligations under the principal bond this collateral bond shall be null and void but shall otherwise be and remain in full force, virtue and effect.

IN WITNESS whereof I, the said Official, together with the appearer have subscribed to these presents and have caused the seal of office to be affixed thereto.

Signed, executed and sealed at the Mineral and Petroleum Titles Registration Office at PRETORIA on this ..... day of ..... 20.....

q.q.

In my presence,

*DIRECTOR-GENERAL: MINERALS AND ENERGY*

Registered on the above date in the Register of Bonds under CMB.....

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**FORM E**

Prepared by me

.....

(Signature)

**CONVEYANCER**

.....

(State surname and initials in block letters.)

**SURETY BOND NO SMB.....**

**WHEREAS**

.....  
appeared before me, .....  
the official designated by the Director-General: Minerals and Energy and the said  
appearer, duly authorized thereto by a power of attorney which power of attorney  
was signed at ..... on the ..... day of  
..... 20..... and is filed in this office.

AND the appearer declared that

**WHEREAS** (here describe the principal debtor)  
..... is truly and lawfully indebted in the sum of  
R..... (amount to be given in words as well) together with the sum of  
R..... (amount to be given in words as well) as a preferent charge  
for costs and other matters to and on behalf of ..... (describe  
the mortgagee) arising from and being (here describe the cause of debt)  
..... as security for which indebtedness the said principal  
debtor has registered mortgage bond No ..... dated .....

20..... in the Deeds Registry / Mineral and Petroleum Titles Registration Office at ..... over the right thereby especially hypothecated.

AND WHEREAS the said ..... has agreed to bind himself or herself as surety and co-principal debtor for the due payment of the aforesaid sum and interest thereon and for the compliance with all the terms and conditions of the aforesaid principal bond, mortgaging as security for the fulfilment of the said obligations the hereinafter-mentioned right.

NOW THEREFORE, the appearer declared his or her principal, the said ....., to be truly and lawfully indebted and held and firmly bound to and on behalf of ..... in the sum of R..... (amount to be given in words as well) arising from the considerations aforementioned under renunciation of the legal exceptions ..... with the force and effect whereof he declared his principal to be fully acquainted together with the sum of R..... (amount to be given in words as well) as a preferent charge for costs and other matters as more fully set out in the said principal bond.

AND the appearer hereby bound his principal to pay or cause to be paid to the mortgagee or other holder of this bond, his heirs, executors, administrators or assigns, the said principal sum of R..... (amount to be given in words as well) together with such interest as may from time to time become due and payable thereon in terms of the principal bond, and for the proper performance of the terms thereof the appearer q.q. declared to bind specially as a .....mortgage, (describe the right)

AND the appearer q.q. declared it to be a special condition to this bond that should the principal debtor fulfill all his or her obligations under the said principal bond by payment of all the sums due thereon by way of capital and interest and comply further with all the terms and conditions of the aforesaid bond this bond shall become null and void.

IN WITNESS WHEREOF I, the said Official, together with the appearer, have subscribed to these presents, have caused the seal of office to be affixed thereto.



Signed, executed and sealed at the MINERAL AND PETROLEUM TITLES  
REGISTRATION OFFICE at PRETORIA on this  
.....day of .....20

q.q

In my presence

*DIRECTOR-GENERAL: MINERALS AND ENERGY*

Registered on the above date in the Register of Bonds under  
No.....

**Form F**

Prepared by me

.....

(Signature)

**CONVEYANCER**

.....

(State surname and initials in block letters.)

(Consent to cancellation, part-payment, reduction of cover, release, cession, cancellation of cession of bonds)

**CONSENT**

I .....the undersigned, being the legal holder of a mortgage bond particulars of which are as follows:

Bond No.....

Dated .....

Passed by .....

In favour of .....

For the sum of R .....

And ceded to .....

By cession registered on .....

Do hereby consent to .....

.....  
dated at ..... this .....

day of .....20.....

0000000000

.....  
SIGNATURE OF LEGAL HOLDER

AS WITNESSES:

1. ....

2. ....

-----  
**SCHEDULE B**  
 -----

**FEEES OF OFFICE**

-----  
 MINISTER TO MAKE THESE REGULATIONS IN LINE WITH SECTION 10 IN CONSULTATION WITH THE MINERALS AND MINING DEVELOPMENT BOARD ESTABLISHED UNDER THE MINERALS AND PETROLEUM RESOURCES DEVELOPMENT ACT

For the registration of each :-

NO	ITEM	RAND
	Item	R
1.	Registration	
	A transfer or cession of rights	R 200,00
	Registration of Bonds	R 200,00
	A variation, cancellation or release of a person or property from the operation of, a registered mortgage bond and an application in terms of section 6(1)(b) of the Act.	R30,00
	Any other registration or annotation in registers or records, including certificates of title and all other registrations which are not exempted by a law or where no purchase price is involved.	R50,00
2.	Certificates	
	For a certificate of any fact by the Director General or an official designated by the Director General	R15,00
	A report to Court in terms of section 10 (1)(a) of the Act.	R125,00
3.	Copies for information and judicial purposes	
	For the issuing of copies for information and judicial purposes	

	(i) A4 size paper	R2,00
	(ii) A3 size paper	R3,00
	(iii) A2 size paper	R4,00
	(iv) A1 size paper	R5,00
	(v) A0 size paper	R6,00
	(vi) A deed	R15,00 per copy
	(vii) A document	R2,00 per page
	For the issuing of certified copies of deeds and sketch plans	R100,00
4.	Enquiries and inspection	
	For a search or inspection of any deed of transfer, bond, lease, contract or other document	R3,00 per hour or part thereof
	For each additional hour	R3,00