

DEEDS REGISTRY ACT
(Cap. 33:02)

**DEEDS REGISTRY (CONVEYANCERS AND NOTARIES
PUBLIC) (FEES AND CHARGES) REGULATIONS , 2004**
(Published on 30th August, 2004)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Conveyancers' and notaries public miscellaneous fees and disbursements
3. Deeds of Transfer
4. Mortgage bonds
5. Notarial bonds
6. Deed of Hypothecation
7. Charging of higher or lower fees prohibited

IN EXERCISE of the powers conferred on the President by section 11(1)(b) of the Deeds Registry Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Deeds Registry (Conveyancers and Notaries Public) (Fees and Charges) Regulations, 2004, and shall come into operation on 1st October 2004.

Citation

2. A conveyancer or a notary public shall, in respect of any conveyancing work done by him or her, charge the fees and disbursements set out in the Schedule hereto in relation to the matters specified therein.

Conveyancers' and notaries public miscellaneous fees and disbursements

3. A Conveyancer shall, in respect to the lodging of a Deed of Transfer, charge the fees set out in Column B of Part II of the Schedule hereto.

Deeds of Transfer

4. A Conveyancer shall, in respect of any conveyancing work done by him or her with respect to the lodging of mortgage bonds, charge the fees set out in Column C of Part II of the Schedule hereto.

Mortgage bonds

5. (1) A notary public shall, in respect of notarial bonds, including surety notarial bonds, charge the fees set out in Column D of Part II of the Schedule hereto.

Notarial bonds

(2) A conveyancer shall, in respect of a collateral notarial bond passed as additional security for a mortgage bond or another notarial bond, irrespective of where the collateral is registered, charge fifty percent of the fees set out in Column D of Part II of the Schedule hereto.

6. A conveyancer or a notary public lodging a Deed of Hypothecation shall charge the fees set out in column E of Part II of the Schedule hereto.

Deed of Hypothecation

7. (1) No conveyancer or notary public shall, in respect of any conveyancing or notarial work done by him or her, charge fees which are higher or lower than those prescribed in the Schedule hereto.

Charging of higher or lower fees prohibited

(2) A conveyancer or notary public who contravenes sub regulation (1) shall be guilty of professional misconduct as described in rule 3 (e) of the Legal Practitioners (Misconduct) Rules.

Cap. 69:01
(Sub. Leg.)

SCHEDULE
(Regs. 2 to 7 inclusive)

PART I
MISCELLANEOUS FEES AND DISBURSEMENTS

1. Cancellation of bonds and other documents registered in the Deeds Registry : P550.00.
2. Obtaining Rates Clearance Certificate and Compliance Certificate : P175.00 each.
3. Conveyancers disbursements : P550.00 per file which shall include simultaneous transactions attended to by the same conveyancer.
4. For attendance on behalf of transferor, transferee, mortgagor or mortgagee, or any other person, supervising the registration of the transfer or bond or supervising the bond, when the documents are being prepared and lodged by another conveyancer, inclusive of all instructions, correspondence, and miscellaneous attendances relevant to such supervision —
 - (a) where the value of the property or amount of the bond does not exceed P60 000.00 : P150.00.
 - (b) where the value of the property or amount of the bond exceeds P60 000.00 : P275.00.
5. For attending at Deeds Registry to obtain a certificate required for any act of registration : P175.00.
6. (a) For drafting application for endorsement in terms of section 46 of the Act, for the layout of a township or settlement and attendances on lodging title deed for endorsement : P750.00.
 - (b) For drafting application and related work for an incision in terms of section 49(1) of the Act or for the excision of an agricultural holding : P500.00.

7. (a) Attendances and searching at Deeds Registry for information required, other than information required for preparation or registration of a deed, including instructions, correspondence and all relevant attendances : P150.00 per quarter hour or part thereof.
- (b) Attendance and searching at Deeds Registry or the Department of Surveys and Mapping for research and searching for the necessary information in connection with rights to minerals and rights to water, including correspondence and all relevant attendances : P600.00 per hour or part thereof *pro rata*.
8. For drafting notice of application for issue of a certified copy of a deed to serve *in lieu* of the original including instructions, application to Registrar of Deeds, filing all necessary documents, correspondence and all relevant attendances : P850.00 less disbursements and fees for advertisements.
9. For attendance in order to obtain a certified copy of any deed or document from Deeds Registry for any purpose, other than to serve *in lieu* of the original inclusive of instructions, filing of necessary documents, correspondence and all relevant attendances : P125.00 plus an additional fee of P50.00 for every deed after the first which can be applied for in the same application.
10. For attending at the Department of Surveys and Mapping, for the metrication or amendment of any diagram or obtaining a copy of any diagram from the Department of Surveys and Mapping, including instructions, application, correspondence and all relevant attendances : P125.00 plus an additional fee of P50.00 for every diagram after the first which can be applied for in the same application.
11. For attending at local or other authority —
- (a) to obtain a certificate of approval regarding compliance with conditions of subdivision : P500.00.
- (b) for any endorsement of a power of attorney or diagram (other than a rates clearance certificate) : P300.00.

12. (a) For drafting any affidavit or application in regard to any separate act of registration or endorsement not specifically mentioned in this Schedule (for example the creation of special conditions against the remainder of the property, or for the lapsing of any condition of title or personal servitude excluding *usufruct, usus or habitatio*) inclusive of taking or giving instructions, correspondence and all other attendances in connection with such affidavit or application : P300.00 plus P50.00 for drafting each extra folio of an affidavit or application where such document exceeds one folio in length.
- (b) For attending at the Office of the Master of the High Court in order to obtain all necessary endorsements in connection with any matter referred to in this item, per estate : P125.00 per hour or part thereof.
- (c) For drafting a General Power of Attorney and all relevant attendances including registration : P250.00.
- (d) For drafting and signing a certificate in terms of section 41(1) of the Administration of Estates Act, including investigations and attendances at the Office of Master of the High Court : P125.00 per hour or part thereof per estate for any number of certificates.
- (e) For drafting any application and registration of lapse of *usufruct* (not notarial) : P300.00.
13. (a) For drafting cession of servitude or of rights to minerals inclusive of instructions, correspondence, registration and all other relevant attendances : P500.00.
- (b) If more than one property is included in the same cession : an additional fee of P50.00 for each additional property.
14. For attending on filing at Deeds Registry of any document relating to any person, partnership, association or company, where such filing is independent of any particular act of registration being attended to by that conveyancer, inclusive of instructions, correspondence and all relevant attendances : P125.00.

15. For attending on upliftment of attachment interdict in the Deeds Office : P500.00.
16. (a) For drafting power of attorney or agreement in terms of section 26(1) of the Act : P500.00 per hour or part thereof plus an additional fee of P125.00 per partition for any other partition that may be applied for together with the original portion.
- (b) For attending at the Department of Surveys and Mapping to obtain diagrams in terms of section 26(3) of the Act, including applications, correspondence and all relevant attendances : P175.00.
- (c) For attending at the Deeds Registry to register a Deed of Partition transfer in terms of section 26(5) of the Act : P125.00.
17. (a) For drafting an application to the Commission in terms of section 31(1) of the Act, including correspondence and all relevant consultations : P500.00.
- (b) For attending before the Commission when so required to attend : P125.00 per quarter hour or part thereof.
- (c) For attending at the Deeds Registry to register a transfer passed pursuant to section 31 of the Act : P500.00.
18. For attendance to applying for a certificate of registered title in terms of section 35(1) of the Act, including applications, correspondence and all relevant attendances : P500.00.
19. (a) For drafting an application in terms of section 36(1) of the Act including original instructions, application to the Registrar, filing all necessary documents, correspondence and all relevant attendances : P275.00 per transaction.
- (b) For drafting the necessary advertisements required in terms of section 36(2) of the Act : P125.00.

- (c) For attending at the Department of Surveys and Mapping to obtain diagrams where such diagrams are necessary, including applications, correspondence and all relevant attendances : P150.00 per diagram
20. For drafting an application in terms of section 37(2) of the Act, including original instructions, application to the Registrar, filing of necessary documents, correspondence and all relevant attendances : P275.00 per transaction.
21. (a) For drafting an application in terms of section 38 of the Act for a certificate of consolidated or amended title, including the original instructions, applications to the Registrar, filing of necessary documents, correspondence and all relevant correspondence : P500.00 per transaction.
- (b) For attending at the Department of Surveys and Mapping to obtain diagrams where such diagrams are necessary, including applications, correspondences and all relevant attendances : P150.00 per diagram.
22. (a) For drafting an application in terms of section 40(1) of the Act, including taking original instructions, applications to the Registrar, filing of necessary documents, correspondence and all relevant attendances : P500.00 per transaction.
- (b) To obtain the written consent of the President : P500.00 per transaction.
23. (a) For drafting an application to obtain a certificate of Registered Title in terms of section 41(1) of the Act, including taking original instructions, applications to the Registrar, filing of necessary documents, correspondence, and all relevant attendances : P500.00 per transaction.

- (b) For attending at the Department of Surveys and Mapping to obtain diagrams, including all applications, correspondence and all relevant attendances : P150.00 per diagram.
24. For drafting applications for endorsement in terms of sections 42, 43 and 44 of the Act and attendance on lodging of the title deed for endorsement : P500.00 per transaction.
25. For drafting an application for the registration of a general plan of land which has been subdivided in pieces of land in terms of section 46(1) of the Act, including taking original instructions, applications to the Registrar, filing all necessary documents, correspondences and all relevant attendances, including attendances at the Department of Surveys and Mapping : P750.00.
26. For attendance on taxation, where required, including all necessary relevant attendances and correspondence, a fee equal to five per cent of the fees allowed on taxation shall be chargeable by the conveyancer submitting the bill of costs, and a fee equal to five per cent of the total fees originally reflected in that bill of costs shall be chargeable by the conveyancer opposing taxation.
27. (a) For procuring registration of change of name —
- (i) where no advertisement is required : P150.00 plus P50.00 for every extra deed after the first deed.
- (ii) where advertisement is required : P250.00 plus P50.00 for every extra deed after the first deed.
- (b) For procuring an amendment of any deed in terms of section 6 of the Act : P150.00 plus a fee of P50.00 for every extra deed.

(c) For preparing and lodging consent of any interested party, including any bondholder, to any a mendment in terms of this item : P175.00.

Note: The above fees include the drafting of necessary applications, correspondence and all relevant attendances and, where advertising is necessary, also include the drafting up and placing of the necessary advertisements.

28. For attendance in order to obtain an endorsement on any deed reflecting the conversion of a company to a close corporation and *vice versa* : P150.00 plus a fee of P50.00 for every extra deed after the first.

29. No fee shall be charged for drafting and lodging a Deed of Hypothecation as mentioned in regulation 6 by any person other than a conveyancer or a notary public.

30. (a) For drafting and lodging of any application in terms of section 2 of the Immovable Property (Removal of Restrictions) Act, by a conveyancer : P600.00.

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(b) For attending to any matter arising from the application referred to in subparagraph (a) of this paragraph : P125.00 per quarter hour or part thereof.

31. No fees shall be charged by a conveyancer or any other person for drafting and lodging a Certificate of Indebtedness in terms of the

Cap. Agricultural Charges Act
35:01

32. For drafting and lodging prenuptial and antenuptial contracts including all relevant attendances : P550.00 per hour or part thereof.

33. For lodging all tribal leases : P850.00.

34. For drafting and lodging a Notarial Deed of Lease, a Notarial Deed of Sub-lease and a Notarial Deed of Cession including all relevant attendances : P550.00 per hour or part thereof.

35. For drafting and lodging a Notarial Deed of Trust including all relevant attendances : P550.00 per hour or part thereof.
36. For drafting and lodging a Notarial Deed of Cancellation of any notarial deed registered in the Deeds Registry : P550.00

PART II
SCHEDULE OF CONVEYANCING AND NOTARIAL FEES

<u>Column A</u> Value of Property or amount of Bond	<u>Column B</u> Transfer	<u>Column C</u> Bonds	<u>Column D</u> Notarial Bonds	<u>Column E</u> Hypothecations
Over P8 000.00 up to and including P10 000.00	P800.00	P550.00	P650.00	P500.00
Over P10 000.00 up to and including P12 000.00	P825.00	575.00	P675.00	P550.00
Over P12 000.00 up to and including P14 000.00	P850.00	P600.00	P700.00	P575.00
Over P14 000.00 up to and including P16 000.00	P875.00	P625.00	P725.00	P600.00
Over P16 000.00 up to and including P18 000.00	P900.00	P650.00	P750.00	P625.00
Over P18 000.00 up to and including P20 000.00	P950.00	P700.00	P800.00	P650.00
Over 20 000.00 up to and including P25 000.00	P1 200.00	P950.00	P1 050.00	P850.00
Over P25 000.00 up to and including P30 000.00	P1 450.00	P1 200.00	P1 300.00	P1 050.00
Over P30 000.00 up to and including P35 000.00	P1 700.00	P1 450.00	P1 550.00	P1 200.00
Over P35 000.00 up to and including P40 000.00	P1 950.00	P1 700.00	P1 800.00	P1 300.00
Over P40 000.00 up to and including P45 000.00	P2 200.00	P1 950.00	P2 050.00	P1 450.00
Over P45 000.00 up to and including P50 000.00	P2 450.00	P2 200.00	P2 300.00	P1 600.00
Over P50 000.00 up to and including P60 000.00	P2 575.00	P2 325.00	P2 425.00	P1 700.00
Over P60 000.00 up to and including P70 000.00	P2 700.00	P2 450.00	P2 550.00	P1 800.00
Over P70 000.00 up to and including P80 000.00	P2 950.00	P2 675.00	P2 775.00	P1 950.00
Over P80 000.00 up to and including P90 000.00	P3 075.00	P2 800.00	P2 900.00	P2 050.00
Over P90 000.00 up to and including P100 000.00	P3 200.00	P2 925.00	P3 025.00	P2 250.00
Over P100 000.00 up to and including P150 000.00	P3 500.00	P3 225.00	P3 325.00	P2 500.00
Over 150 000.00 up to and including P200 000.00	P3 800.00	P3 525.00	P3 625.00	P2 800.00
Over P200 000.00	P3 800.00	P3 525.00	P3 625.00	P3 200.00

	For the first P200 000.00 plus P500.00 per P100 000.00 or part thereof, up to and including P500 000.00 whereafter the fee shall be P350.00 per P100 000.00 or part thereof, up to and including P1000 000.00 and whereafter the fee shall be P250.00 per P100 000.00 or any part thereof	For the first P200 000.00 plus P550.00 per P100 000.00 or part thereof, up to and including P500 000.00 whereafter the fee shall be P350.00 per P100 000.00 or part thereof, up to and including P1000 000.00 and whereafter the fee shall be P250.00 per P100 000.00 or any part thereof	For the first 200 000.00 plus P550.00 per P100 000.00 or part thereof, up to and including P500 000.00 whereafter the fee shall be P350.00 per P100 000.00 or part thereof up to and including P1000 000.00 whereafter the fee shall be P250.00 per P100 000.00 or any part thereof	For the First 200 00.00 plus P500.00 per P100 000.00 or part thereof, up to and including P500 000.00 whereafter the fee shall be P350.00 per P100 000.00 or part thereof up to and including P1000 000.00 whereafter the fee shall be P250.00 per P100 000.00 or part thereof
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MADE this 26th day of August, 2004.

F.G. MOGAE,
President.