PORTFOLIO COMMITTEE AMENDMENTS TO

MINING TITLES REGISTRATION AMENDMENT BILL

[B 24B—2003]

(As agreed to by the Portfolio Committee on Minerals and Energy (National Assembly))

[B 24C—2003]
AMENDMENTS AGREED TO

MINING TITLES REGISTRATION AMENDMENT BILL
[B 24B-2003]

SCHEDULE

Schedule rejected.

NEW SCHEDULE

1. That the following be a new Schedule:

SCHEDULE

LAWS AMENDED

(Section 53)

<table>
<thead>
<tr>
<th>No. and year of Act</th>
<th>Short title</th>
<th>Extent of repeal or amendment</th>
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<tbody>
<tr>
<td>Act No. 47 of 1937</td>
<td>Deeds Registries Act, 1937 (Act No. 47 of 1937)</td>
<td>1. The repeal of sections 3(1)(l), 3(1)(m), 3(1)(n), 3(1)(q), 17(5)(b), 26(1)(bis), 44(3), 64(2)bis, 64(2)ter, 70 to 74ter, 84, 85, and 90(2)(b);</td>
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<td>2. The substitution for section 21 of the following section:</td>
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<td>&quot;21. Transfer or cession from joint estate.—In any deed of transfer or deed of cession lodged in a deeds registry and relating to an asset in a joint estate, the surviving spouse shall be joined in his or her personal capacity with the executor of the estate of the deceased spouse except—</td>
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<td>(a) where the executor is dealing only with the share of the deceased spouse; or</td>
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<td>(b) where the asset has been sold to pay the debts of the joint estate; or</td>
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<td>(c) where there has been a massing of the joint estate and the surviving spouse has adiated; or</td>
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<td>(d) where such transfer or cession is in favour of the surviving spouse; or</td>
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<td>(e) where the power of attorney to pass such transfer or cession, has been signed by the surviving spouse in the capacity of executor.&quot;;</td>
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3. The amendment of section 28 by the substitution for subsection (1) of the following subsection:

"(1) If the share or shares owned by any of the parties to a partition appear from the title deeds of the land partitioned to be subject to a lease, personal servitude or other real right ([excluding any rights to minerals]) the written consent of the holder thereof to the partition and allocation of the lease, servitude or other such real right, together with the deed, if any, by which the lease, servitude or real right is held, shall be produced to the registrar.

4. The amendment of section 32 by—

(a) the deletion in subsections (1), 2(a) and (4) of "or right to minerals" wherever it appears in the said subsections;

(b) the substitution for subsection (5) of the following subsection:

"(5) Immediately after any right of servitude over any land has been expropriated, the expropriating authority shall lodge with the registrar a certified copy of the notice of expropriation, two copies of the relevant expropriation plan of the servitude in question and a certificate describing the land and stating the name, number and administration district thereof, as well as the full names and surname of the registered owner and the number (consisting of the serial and year number) of the title deed, and the registrar shall cause a note of the expropriation to be made in his or her registers, and if at any time the original of the title deed is lodged in his or her registry for any purpose or application is made for the issue of a certified copy of such title deed, the registrar shall cause an appropriate note to be endorsed thereon as well as on the office copy thereof and a copy of the expropriation plan to be annexed thereto as well as to the office copy thereof;

(c) the substitution for subsection (5A) of the following subsection:

"Whenever any right of servitude [or right to minerals] over land has been expropriated and formal cession of such right of servitude [or right to minerals] to the cessionary has not been effected, the registrar shall, on written application by the cessionary and the owner of the land [or right to minerals], cancel any note of the expropriation in his or her registers or endorsement on the title deed of the land [or the title under which the right to minerals is held,] and thereupon the expropriated right of servitude [or right to minerals] shall vest in such owner."
1. The amendment of section 63 by the substitution for subsection (2) of the following subsection:

"(2) the provisions of subsection (1) shall not apply with reference to any condition in a mortgage bond or lease or in a deed referred to in section 3(l)(c) or (p);

2. The amendment of section 64(1) by the deletion of the words "other than a right to minerals";

3. The amendment of section 67 by the deletion of the words "or in a deed of cession of rights to minerals", the words, "or cedent", and the words, "or cession" wherever these appear in the said section;

4. The amendment of section 77 by the deletion of the words "or of any rights to minerals in land";

5. The amendment of section 90 by the substitution for subsection (1) of the following subsection:

"(1) If it is expressly provided in—
(a) a registered lease of land (or rights to minerals); or
(b) a registered deed creating or evidencing a servitude; or
(c) a registered prospecting contract,

that it shall lapse upon failure to make regularly any periodical payments mentioned therein, the registrar shall upon written application accompanied by an affidavit by the lessor or grantor of the registered right (as the case may be) that the said periodical payments have not been duly made, cancel the registration of the lease, servitude or contract:"

6. The amendment of section 102 by—
(a) the deletion in the definition of "immovable property" of paragraph (a) of "mineral rights";
(b) the deletion of the definition of "prospecting contract";
(c) the deletion in the definition of "share" of "and rights to minerals".

7. The amendment of section 17(5) by the deletion of the words "excluding mineral rights,".