



CADASTRAL RESOLUTIONS 2025

1. ITEMS FROM NATIONAL GEOMATICS MANAGEMENT SERVICE BRANCH

1.1 Undepicted Servitudes by description

In terms of Regulation 73(2) of the Deeds Registries Act, 1937 (Act No. 47 of 1937), the registration of a servitude by description is permissible, negating the requirement for a separate servitude diagram to be attached to the notarial deed upon registration. As a result, numerous servitudes have been duly recorded within the Deeds Offices without corresponding communication to a relevant Surveyor-General Office, thereby precluding their endorsement onto the appropriate Cadastral Document. Consequently, these servitudes remain uncaptured within the National Spatial Data Infrastructure, rendering them invisible in land management systems.

RESOLUTION:

It will be difficult to allocate historic servitudes during the verification process. Servitudes infringing on the use of land which is not reflected on a diagram/general plan, may be picked up during the examination process relating to the transfer of properties. In such instances, the SG must be notified.

- ***Regulation 79bis must be complied with.***
- ***The possible amendment of regulation 73 of the Deeds Registries Act 47 of 1937 to provide for the Registrar to inform the SG of the registration of such servitudes, must be referred to the Deeds Registries Regulations Board for discussion.***

1.2. Name changes of Deeds Registries

Reference is made to **CRC 3/2024** relating to the recent name changes of Deeds Registries. On cadastral documents being diagrams, general plans and sectional plans, how will the Surveyors-General deal with the changed names of Deeds Registries where it appears on said cadastral documents?

RESOLUTION:

CRC 3/2024 must be fully implemented by Surveyors General to reflect the name of the Deeds Registry, e.g. “North Gauteng”, “South Gauteng”.

- The implementation date is 1 May 2025. Any document approved before 1 May 2025 will not be affected and thus not be amended by the Surveyors General.

1.3. Servitude by Description

Recently state entities like Eskom have shown interest in having their asset register updated by the inclusion of powerlines in their GIS. This has led to the surveying of the powerlines that exist on the ground without having a diagram. The Surveyor-Generals offices are receiving submissions for these diagrams to be approved in accordance with section 6(1)(b) of the Land Survey Act. The enactment of SPLUMA instructs that land development must receive approval from the responsible municipality.

QUESTION:

1. Can the Surveyor-General examine for approval a servitude diagram without municipal by-law consent? Must the title deed containing the servitude be provided?
2. Can the Registrar endorse title deeds without requesting the municipal by-law consent?

RESOLUTION:

1. Yes, provided proof is submitted to the effect that the title deed of such servitude had indeed been registered.
2. Yes, provided consent is not a requirement in terms of the relevant municipal By-Law (Consent for an already registered deed is not a requirement, i.e. route description servitude. Then reason being that consent was already submitted with the registration of the initial deed of servitude).

2. ITEMS FROM DEEDS REGISTRATION BRANCH

- 2.1. Not relevant for publication.